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THE CAPITOL

HISTORY

OF

NORTH CAROLINA

VOLUME II

THE FEDERAL PERIOD

1783—1860

1565

By WILLIAM K. BOYD, PH. D.
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TO

P. LeG. B.

PREFACE

In the present volume the effort has been to emphasize movements rather than events, ideals rather than men, orderly development rather than phenomena of antiquarian interest. Such an undertaking has required a constant reference to contemporary records and the exposition of many movements which have been hitherto neglected or slightly treated. Consequently the volume may leave the impression of a series of monographic studies rather than a conventional narrative history. That perhaps is necessarily the character of the treatment of any subject in which social and economic forces are emphasized.

The year 1836 is the first dividing line in the history of the state after the Revolution. Prior to that date political conceptions and ideals of social and economic duty bore the stamp of British heritage; thereafter the spirit of American democracy made rapid progress. The constitutional convention of 1835, the rise of the whig and democratic parties, the establishment of a public school system, the foundation of asylums, the building of railways through state aid, and reform of the law—these matters, treated in considerable detail, are evidence of a new order. It has also been my effort to outline the regime they displaced; to the antiquarian it has the greater interest, whereas to him who prefers life in action the epoch after 1836 will always make a stronger appeal.

I wish to express my sense of obligation to many who have upheld my hands in gathering material. To a number of former students in Trinity College I am indebted for use of their researches in North Carolina history. To the authorities of the Trinity College Library and the State Library I am under obligation for special courtesies. To the *South Atlantic Quarterly* and the *Historical Papers of the Trinity*

College Historical Society I am obligated for permission to embody in the text portions of articles I have contributed to their pages. Col. Fred A. Olds of the State Hall of History at Raleigh has rendered indispensable service in securing illustrations.

January, 1919. WILLIAM K. BOYD.

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History of North Carolina

CHAPTER I

POLITICAL AND SOCIAL CONDITIONS, 1783-1787

Finance—Loyalists—The State of Franklin

On April 19, 1783, Governor Alexander Martin formally notified the General Assembly of North Carolina that His Britannic Majesty had recognized the independence of the United States on the preceding November 30th. "Nothing now remains," he added, "but to enjoy the fruits of uninterrupted Constitutional Freedom, the more sweet and precious as the tree was planted by virtue, raised by the Toil, and nurtured by the blood of Heroes."[1]

Undoubtedly a new era opened, but the readjustment from war to peace was by no means easy. Among the population of 350,000, slave and free, there was neither unity nor amity. The divergence between the planters of English extraction in the tidewater section and the small farmers of the piedmont, mainly Scotch-Irish and Germans, was as distinct as in the days of the Regulation. During the war thousands had been loyal to the British cause, and the conflict in its later stages had been a veritable civil war. Victory on the field of battle was followed by a policy of proscription. The agencies of intellectual and moral progress were prostrate. There had been no printing press in the state since 1778. Many of the academies had closed their doors, and no step had been taken to carry out the mandate of the state constitution regarding education. Religion was at a low ebb; the Church of England

[1] State Records, XIX, 243.

had collapsed with the opening of the Revolution, and all denominations suffered by the confusion of war and the prevalence of eighteenth century scepticism. Commerce was demoralized, not only by the crippling of foreign shipping, but also by interstate tariffs. There was also antagonism between the planters and the merchants, revealed in the tax laws. In governmental affairs there was confusion and corruption. The local officers were in arrears with the settlement of the tax lists, the state's share of the continental expenditures was unpaid, the currency was so depreciated as to be practically worthless, and the laws enacted since 1776 were diffuse, conflicting, and uncodified. "Neglect of duty," said Governor Martin, "abuses of power, Disobedience of Laws, your monies unaccounted for, and public credit sunk, all call for your authority and correction. These weaken the springs of government and relax their vigor." With such a background political strife became intense and partisan. Military leaders, unwilling to see their influence wane after laying down their arms, entered politics. "Then began," says McRee, "a contest hot enough, between thought and action."[2]

The process of readjustment began immediately. In the summer of 1783 Robert Keith established a printing press at Newbern and published the *North Carolina Gazette;* the next year a second press was established at Halifax, and another at Hillsboro in 1786. In place of public schools private academies were chartered, fifteen between 1783 and 1788. For care of the poor the election of wardens in each county was ordered in 1785 and for the same purpose the glebe lands in Granville County were confiscated. The ideal of equality bore fruit in the abolition of entails in 1784. The return of peace brought an increase of land values. Roads were repaired and rivers improved by direction of private acts of the legislature. Restrictions on foreign commerce being removed, there was such a demand for manufactured goods that markets were inflated. Social organization also felt the impulse of new life. In October, 1783, a branch of the

[2] Life and Correspondence of James Iredell II, 81.

Society of the Cincinnati was established in Hillsboro. In 1787 the Grand Lodge of the Masonic Order, extinct since 1776, was revived. The churches also rallied to the opportunity before them. In 1784 the Methodist Societies took on the clothes of a denomination in Baltimore and on North Carolina soil were projected its first publishing enterprise and its first preparatory school. The Presbyterians in 1788 organized the Synod of the Carolinas, and by 1790 expansion of the Baptists revived with the formation of new associations.

Contemporary with these unifying influences were three problems which kept alive old issues, aroused the spirit of partisanship, and checked the development of a sound public policy. First of these was the currency. During the Revolution, as in colonial days, the main source of revenue was fiat money. A new denomination, the state dollar, supplanted the colonial pound and shilling. Between 1775 and 1780 $6,590,000 in paper were authorized. As taxes for redemption were suspended, depreciation set in, amounting to 50 to 1 specie in 1780 and 800 to 1 in 1784. As depreciation increased, a new obligation was invented, certificates or promissory notes, bearing interest either in specie or in paper. The amount issued is unknown, but in one year (1781) $26,250,000 in certificates were offered as bounties to volunteers in the army. For redemption three measures were adopted; the sale of confiscated property, land grants beyond the mountains, and taxation. In 1782 the value of the certificates in specie was 150 to 1 for those issued prior to 1781, and 800 to 1 for those issued after that date, bounty certificates excepted, but the value of the latter was also rated at 800 to 1 in 1784. Besides depreciation there were other evils connected with the certificates, notably counterfeiting and fraud. The crowning revelation came in 1786, when it was discovered that over a score of individuals had secured forged certificates and due bills for military service, signed by military officers, and had presented them to the Commissioners of Army Accounts, whose duty was to settle claims arising from the Revolution. The commissioners were a party to the fraud, for they received a discount for the false certificates and due bills which

they approved. These were then cashed by the treasurer to the amount of £47,175.17¾ before the governor detected the swindle and forbade further redemption. The legislature of 1786 made an investigation, ordered the arrest of the offenders and their prosecution at the succeeding term of court at Warrenton. A number of indictments were returned, and nine individuals were found guilty. Among those implicated was Memecun Hunt, treasurer of the state; he resigned from office and was succeeded by John Haywood in 1787.

The total amount of certificates issued and the total amount redeemed cannot be ascertained. "It has been alleged," wrote Hugh Williamson, "that our certificate debt bears some resemblance to that many headed monster which defied danger; whenever one of its heads was cut off, two other heads arose to support the loss."[3] In 1786 the amount of the certificate debt was estimated at £786,264.6, face value, with an annual interest charge of £47,571.1¾. The next year the amount outstanding was estimated at £1,000,000, with accrued interest of £60,000.

In the light of this experience with paper money, further issues would seem inadvisable. In fact by 1782 paper was so worthless that specie, which had disappeared as inflation set in, returned to circulation and the revival of commerce after the war ended seemed to promise a further diffusion of hard money. But a majority of the people were small farmers, far removed from good markets, among whom money was always scarce. The result was a demand for a new issue of paper to take the place of the Revolutionary currency. So in 1783 £100,000 were emitted, to be redeemed by the sale of confiscated property, with a scale of depreciation to be used in settling debts contracted in the old money. The term "state currency" was applied to this new issue, and the denominations of pound and shilling were adopted to distinguish it from the state dollars of the Revolutionary period. Again depreciation set in; the remedy adopted in 1785 was another issue of £100,000. By 1787 depreciation at home was

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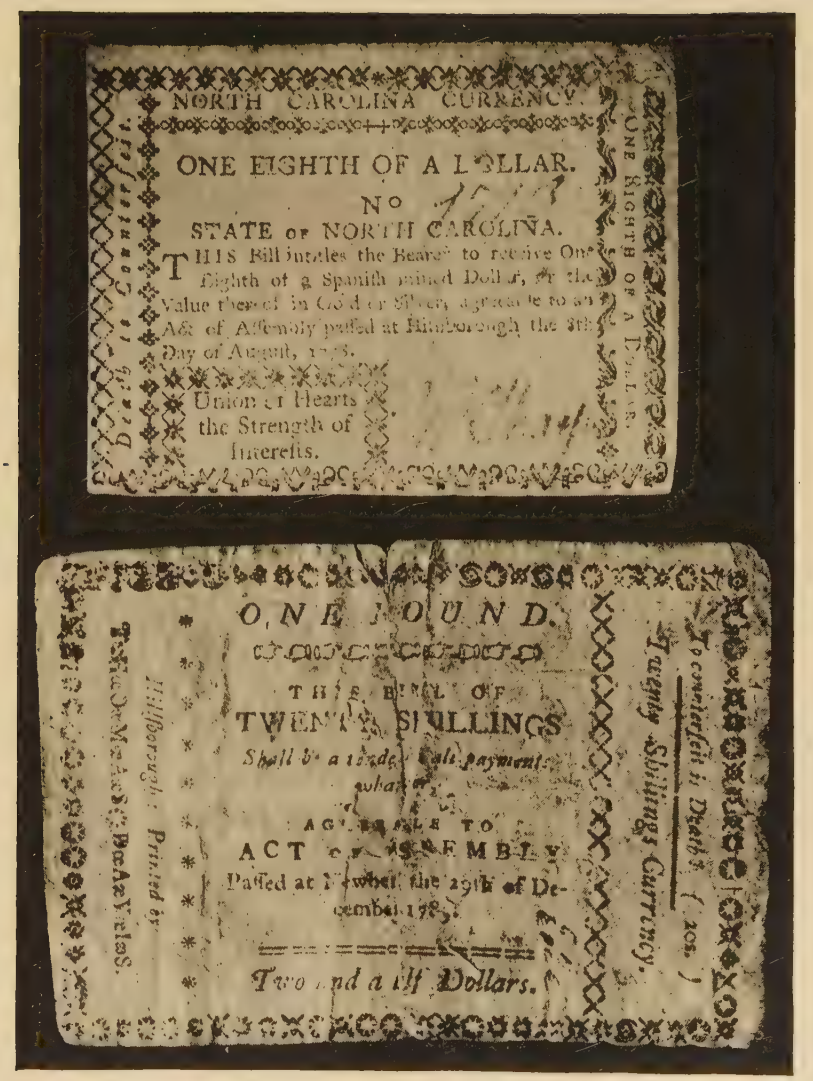
[3] Letters of Sylvius VI.


NORTH CAROLINA CURRENCY.
ONE EIGHTH OF A DOLLAR.
No
STATE of NORTH CAROLINA.
THIS Bill intitles the Bearer to receive One Eighth of a Spanish milled Dollar, or the Value thereof in Gold or Silver, agreeable to an Act of Assembly passed at Hillsborough the 8th Day of August, 1778.
Union of Hearts the Strength of Interests.
ONE EIGHTH OF A DOLLAR.
ONE POUND.
TWENTY SHILLINGS
Twenty Shillings Currency.
Two and a half Dollars.
Hillsborough: Printed by

Revolutionary and Post-Revolutionary Currency

at the rate of 13s paper to 8s specie, while outside the state the currency was practically valueless.

The new issues, like the certificates, illustrate the low standard of public morality. Fraud and corruption were soon manifest. Of the issue of 1785, £36,000 were reserved for the purchase of tobacco which was to be sold and the proceeds applied to the state's quota of the continental debt. The commissioners who purchased the tobacco were allowed to offer 50s per hundred, which was higher than the market price. Considerable weight was lost in storing and transferring the leaf. Finding a purchaser was difficult. The delegates in Congress were authorized to act as selling agents, and they succeeded in making a contract with an English firm at $3.50 per hundred (Spanish milled dollars), for about half the authorized purchase. After more than 100,000 pounds had been delivered, the company failed, but credit to the amount due by the company was allowed the state by the continental authorities. A small sale was negotiated by Richard Blackledge with a French firm; he withheld the proceeds on the ground that he had a claim against the state for supplies furnished during the war. However the legislature refused to credit his case and forced a settlement. Altogether £37,577 were spent for tobacco, more than the law allowed, exclusive of commissioners' fees, the cost of storage, and transportation. The amount sold was less than the amount purchased. The story of inefficiency spread beyond the state and became one of the public scandals of the time.

The effects of paper money and certificates on business morality were perhaps their worst feature. On account of depreciation transactions were honeycombed with fraud. "Some time ago," wrote Williamson, "a young adventurer in North Carolina married a widow who had three children. She chanced to have three thousand hard dollars in the house, two-thirds of which belonged to the children. The guardians claimed their share of the specie for the children, and the honest step-father is now buying up paper at twelve or thirteen shillings for the dollar; and such money will be a legal payment for the use of the orphans. Is it strange that paper

depreciates when such men are profited by the depreciation?''[4]

Trade and credit were demoralized. One of the first duties after the war was to make provision for the settlement of debts. In 1783 the statute of limitations was suspended from all debts contracted between July, 1776, and June, 1784, and suits for collection of debts contracted prior to May, 1783, were forbidden until a year from that date, unless the debtor attempted to leave the state to avoid payment. In rendering decisions the courts were directed to give judgment in specie according to a scale of depreciation, although the bond or contract had been made in Revolutionary currency, and the law making that currency legal tender for the payment of debts was repealed. This statute was so vague in its terms that several questions arose which the courts undertook to settle. First was the extent to which the repeal of the tender law could be applied. Creditors went so far as to claim that payments previously made should be revised to meet the terms of the new scale of depreciation, and that all debts already contracted and unpaid should be settled according to the new standard. Such a principle would have worked untold hardship on the debtors. Hence the courts held that the law of 1783 did not ''destroy the effect and operation of the laws upon transactions that had already taken place under them,'' that the scale of depreciation applied only to obligations assumed and unadjusted since depreciation began in 1777, and that in settling debts contracted during the Revolution payment should be made according to a rate of depreciation for the year in which the debt was contracted. On the other hand debtors tried to take advantage of the law by settling their obligations, payable in specie, in state currency, according to the ratio between the two set forth in the scale of depreciation. But the courts held that the scale of depreciation could be applied only to the year 1783 in which it was enacted, not to previous years, and could not be binding on contracts made in the future, and that in the absence of any prohibition the juries might settle all cases of depreciа-

[4] Letters of Sylvius II.

tion between specie and paper after 1783. A favorite method of adjusting depreciation was to allow damages for withheld interest equal to the difference between the depreciation fixed in the law and the actual depreciation.[5] Thus the sphere of judicial activity was enlarged and the doctrine of implied powers invoked. Much of the opposition to the courts which characterized the period was due to this policy toward depreciation.

Paper money was closely related to political development. There was a strong minority opposed to the inflation of the currency. Among its members were some of the strongest minds of the state. Prominent were James Iredell and Samuel Johnston. They were the leading spirits in a popular meeting at Edenton in August, 1783, which protested against the monetary policy of the legislature. James Hogg, writing to Iredell, described the legislators which carried through the first £100,000 bills of credit as "a set of unprincipled men, who sacrificed everything to their popularity and private views."[6] Any policy that would check the issue of paper or would not give the state full credit for obligations discharged thereby, was certain to meet opposition. Herein lay one of the causes of the opposition to the ratification of the Federal Constitution and to the assumption of state debts by Congress.

The cleavage between the conservatives and the radicals disclosed by the currency problem was intensified by the policy toward the loyalists, especially as that policy affected rights of property. According to the Bill of Rights prefixed to the Constitution of 1776, property in the soil was "one of the essential rights of the collective body of the people." Hence the State of North Carolina succeeded the Crown as head of the land system. The Bill of Rights also provided that titles of individuals holding under laws previously enforced should not be affected. Spite of this guarantee the legislature, acting on the British theory that aliens could not hold property within the realm, confiscated the lands of

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[5] Anonymous, 1 Haywood, 138; Burton vs. Bullock, Conference Reports, 372; Winslow vs. Bloom, 1 Haywood, 217.

[6] McRee, Iredell II, 46.

those who were absent from the state on July 4, 1776, and did not return and become loyal citizens, as well as the property of those guilty of treason. Later the property of certain corporations and certain individuals was specifically singled out for confiscation. However in all cases the rights of widows and the interests of dependents were protected. To what extent the confiscation laws were enforced during the war is unknown; in 1780 and 1781 they were relaxed and pardon was offered to such loyalists as would join the continental army. With the advent of peace the policy toward loyalists naturally came up for revision. In 1783 pardon was extended to all except those who accepted commissions from the Crown, or were guilty of murder, rape, and arson, or were specifically named in the confiscation laws.

In contrast to the policy of proscription was the Treaty of Peace which provided that creditors should meet with no lawful impediment in the collection of debts, that Congress should recommend to the states the restitution of confiscated property of real British subjects, and that no further confiscation should be made or prosecution entered for participation in the war. Controversy at once began; one faction urged a literal conformance to the treaty, while the other held that the treaty did not refer to laws already made, so placing local interests and prejudice above national obligation. In the legislature of 1784 bills to repeal the confiscation laws so far as they were inconsistent with the treaty were defeated, and commissioners were appointed to collect and sell confiscated property. By 1786 sales amounting to £221,374.1.6 were reported. In 1785 the proscriptive policy gained another victory, for the courts were forbidden to entertain suits for recovery of property the title of which originated in sales under the confiscation laws. In 1787 negroes, horses, and other property of the British army left in North Carolina were also confiscated, and in 1789 individuals who had aided or abetted the British cause were denied the right to hold office.

The law of 1785 injected into the controversy a new issue, the relation of the legislature to the judiciary. The extension of judicial interpretation, already developing in the matter of the currency, now reached a crisis in the treat-

ment of the loyalists. In December, 1785, a decision rendered at Wilmington held that fines could not be remitted until paid into the treasury and so set aside a private act of the legislature. In May, 1786, one Bayard brought suit at Newbern for recovery of property sold to Singleton under the confiscation laws. Abner Nash, defendant's counsel, moved that the suit be dismissed and cited the law of 1785 forbidding the courts to hear cases involving the validity of the confiscation law. Opposing the motion were James Iredell, Samuel Johnston, and William R. Davie, who argued that the clause of the Constitution of the state which guaranteed jury trial took precedence over any act of the legislature. The court refused to dismiss the case, but deferred judgment in the hope that the legislature would repeal the statute. Consequently the session of the legislature which met in November, 1786, saw a test of strength concerning the power of the courts. Charges were preferred against the judges for their decisions in the matter of fines and failure to dismiss the case of *Bayard vs. Singleton.* Two of the judges, Samuel Spencer and John Williams, attended the hearings, but the third, Samuel Ashe, was absent, declaring the charges malicious and groundless and that in his judicial character he was "righteous and therefore bold." The report of the committee on the conduct of the judges, holding that they were not guilty of misconduct, was adopted. Thus were the guarantees of the Constitution placed above the will of the legislature, and the doctrine of judicial review was approved. The controversy gave rise to considerable pamphlet literature. Iredell's essay defending judicial review was widely quoted in other parts of the country where the principle was under criticism, and the doctrine was maintained by him when he later became a member of the Supreme Court of the United States.

However loyalists were not yet given the protection of the treaty, for the judges had imposed fines on those returning to the state, holding that the privilege of returning as stated in the treaty to be a recommendation, and they also held that pardons did not give the right to sue in the courts. Moreover the decision in *Bayard vs. Singleton,* rendered in May, 1787, after the legislative inquiry, upheld the confisca-

tion laws.[7] A more liberal policy was made possible in 1787 when the legislature ratified the Treaty of Peace. Thereafter debts to loyalists were held valid by the courts, but titles arising from the confiscation laws were protected on the ground that the guarantee of individual property rights in the Bill of Rights was intended to extend only to citizens of the state. For years litigation was frequent. The most prominent case was that of William, Earl Coventry, successor by devise to the title of Earl Granville, who brought suit in the Federal District Court of North Carolina in 1801 to secure possession of the Granville District. Failing to secure a favorable verdict, the plaintiff appealed to the Supreme Court of the United States, but no decision was ever rendered.

The problem of the loyalists and the courts was of vast political significance. Like the currency question, it marked the division between the conservatives and the radicals. Wrote Iredell in 1783: "Not only the most wanton injury has been done to individuals, but the national character has been disgraced, as more than one article of the Treaty of Peace has been expressly violated. If such things are much longer suffered, this will not be a country to live in, and in the meantime they must deeply wound the feelings of every man of sensibility and honor."[8]

No less vital than the problems of the currency and the loyalists was that of the western lands. Beyond the mountains lay a vast area, at present the State of Tennessee. Its colonization began with the Watauga Settlement just prior to the Revolution, and its expansion had continued during the war. From the original Washington County, Sullivan was formed in 1779 and Greene in 1783, while on the distant Cumberland Nashboro was founded in 1780 and the County of Davidson was organized in 1783. At the end of the war the population west of the mountains was approximately 25,000. Between the western settlements, notably those of the Watauga region, and the older section of the state east of the mountains, there was considerable antipathy. Its earliest evidence

[7] I N. C. Repts., 5.
[8] McRee, II, 51.

is seen in the Watauga Association; it relaxed during the stress of war, but with the return of peace the tension was renewed and civil war was barely averted. The immediate causes of the strained relations were three; the land policy of North Carolina, the need of Congress for new financial resources, and the ambition of the Watauga people for statehood.

The financial policy of North Carolina during the Revolution was characterized by a reliance, as far as possible, on paper money. This, together with the collapse of the restriction on land grants, imposed by the British government, gave rise to a fever of speculation. County land offices were opened in 1777, and for three years, until paper money was greatly depreciated, land was rapidly entered. Then, in 1780, land grants were offered as inducements to military service, and a military reservation was created south of the Virginia line and east of the Tennessee River, in which each soldier was to have 200 acres, increased to 640 in 1781, and one prime slave. In 1783 all public land, except that reserved to Indians and the military reservation, was made security for the new state currency of that year at the rate of £10 for each 100 acres. Thus the policy of the state was to use vacant land as bounty to soldiers and to redeem paper money.

In the meantime the land problem became involved with continental affairs. A movement among the states to cede their western lands to Congress was proposed by Maryland. North Carolina was not in the vanguard of those responding, for the land policy above outlined seemed to preclude parting with any territory. But in 1780, and again in 1783, Congress recommended the cession of all transmontane lands in the interest of the national debt. In fact national finances were in even worse plight than those of the states. The experiment of meeting expenses by making requisition on the states had proved a failure. North Carolina was notoriously delinquent, making no payment after 1780. By 1784 considerable sentiment had developed in favor of ceding the western lands for the public obligations. Such a policy seemed advantageous for local as well as continental reasons. With the return of peace bounties ceased; moreover there

was a movement to levy a continental land tax and to apportion requisitions according to population. Evidently the less territory, the less would be North Carolina's portion in meeting future expenditures. In the light of these facts the cession of western land was advisable, especially if the land ceded should pass to the credit of the state's accounts with the Continental Congress. Therefore by an act of cession passed in April, 1784, the transmontane lands were granted to Congress with the following restrictions; that neither the lands nor the inhabitants should in the future be counted in estimating North Carolina's share of the expenses in the Revolution, that the bounties provided for officers and soldiers should be protected, that the territory granted should be considered a common fund for the benefit of the states, that one or more new states should be created out of it, and that if Congress should not accept the cession, the lands should revert to the state. A supplementary statute also provided that until the United States accepted the cession, the sovereignty of North Carolina should remain unimpaired. Evidently self-interest as well as regard for the national welfare prompted the cession of western lands; a reduction of the state's continental obligation in the future, prospective benefits to be shared with the other states, and the protection of military bounties offered. Yet these terms seemed to some too liberal, and a protest was filed, signed by William R. Davie and thirty-six others. Their dissent was based on the need of liquidating the state debt with the western lands, the fact that North Carolina's quota of the continental debt was really unknown, and that full credit had not been given the state by the continental authorities for all military services rendered.

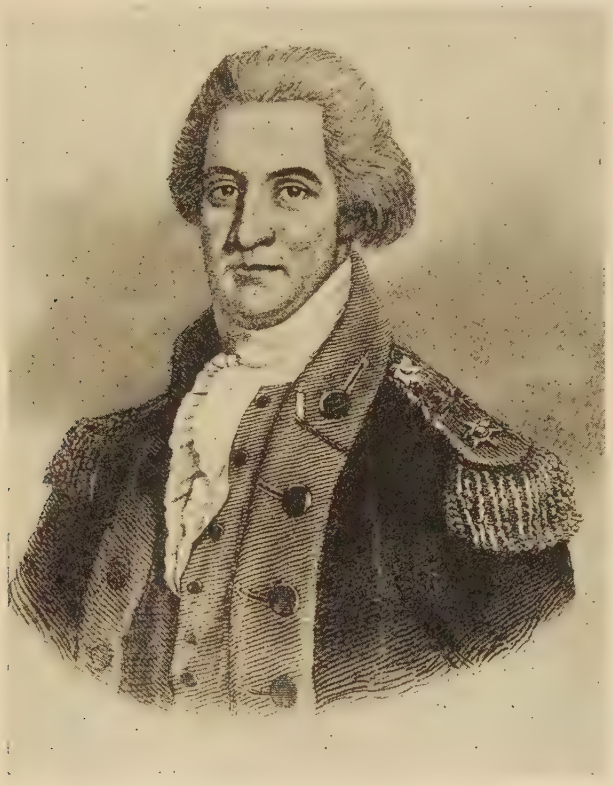
The act of cession did not reach Philadelphia in time for acceptance, for Congress and the legislature adjourned on the same day, June 3rd. In July Hugh Williamson, member of the North Carolina delegation in Congress, expressed to Governor Martin his disapproval of the cession. The burden of his criticism was sectional injustice in adjusting continental accounts. North Carolina had not been given credit for aid to South Carolina and Virginia and for expeditions

against the Indians, whereas New Hampshire and Pennsylvania had obtained credit for militia service, and other states were demanding similar credit; Congress had also taken no step to quiet the Southern Indians; Massachusetts had filed claims for part of the territory ceded by Virginia, and Georgia had so far made no cession of territory; Rhode Island had refused to ratify the proposed five per cent duty on imports. He therefore recommended that North Carolina reconsider the act of cession and hold the western lands until these matters could be adjusted. "If we should immediately complete the cession," he said, "we shall give up the power of making advantageous terms and shall lose the argument which shall bring others to adopt federal measures." Yet he realized that an ultimate cession of western land was imperative. "On the other hand, should we sell out what remains of this territory to the western inhabitants whatever inconveniences they may suffer, they will lose the prospect of becoming a separate state; the quota of our State will be doubled, though we shall hardly have the means of paying half of our present quota. In that case we shall give up the means of making terms or the power of adopting better measures if better should present themselves. The situation is critical. Perhaps it is most consistent with prudence to make a pause. Whatever shall finally appear to be for the honor and true interest of the state may be done twelve months hence as well as now. But we may do wrong things which may not be undone."[9] The upshot was that at the next session of the legislature, in October, 1784, the act of cession was repealed.

In the meantime discontent with the government of North Carolina was brooding beyond the mountains. It was claimed that the state had not paid the Indians for land they had vacated, thus endangering peace; that courts were not regularly held or the law properly enforced; and that the system of taxation was unjust, for it made no discrimination between the value of lands on the frontier and those near the centers of trade. There was also a social cleavage, a feeling of su-

[9] State Records, XVII, 94.

periority toward the frontier on the part of the older counties. One of the members of the legislature in discussing the act of cession remarked that the "Inhabitants of the western country are the offscourings of the earth, fugitives from justice, and we will be rid of them at any rate." Consequently



JOHN SEVIER

the news of the cession was received with joy, especially among the people of the Watauga region. Independence from North Carolina seemed assured and statehood naturally in order. A committee consisting of two from each of the captains' districts proposed a convention to meet at Jonesboro. Elections were held in all the transmontane counties except Davidson, and the convention met on August 23, 1784. The presiding officer was John Sevier, and Landon Carter was

secretary. It was decided to petition Congress to accept the North Carolina cession, and by a vote of 28 to 15 to perfect a state organization. A second convention was called to frame a constitution. When it met in November, the North Carolina legislature had repealed the act of cession, and to conciliate the westerners had created for them a new judicial district, called the District of Washington, and also a brigadier-generalship of militia for that region. To the latter office John Sevier was appointed. Thus the opposition to statehood, apparent in the first convention, became stronger in the second, which consequently broke up in disorder. In the elections for a third convention Sevier himself opposed the movement for independence. However, the convention met on December 14, 1784, and proceeded to form a constitution. Even among the advocates of statehood there was division. One faction, led by Rev. Samuel Hunter, proposed a constitution which had certain divergencies from that of North Carolina. Among these were universal suffrage, educational and moral qualifications for office holders, popular election of governor and county officers, limitation on imprisonment for debt, exclusion of ministers, lawyers, and doctors from office, and a single house of legislature. The other faction, led by Sevier, favored a close adherence to the constitution of North Carolina, and the name Franklin instead of Frankland for the new state; it proved to have a small majority. Drafts of each constitution were submitted to the people for approval, and a fourth convention, which met in November, 1785, adopted the more conservative document and also the name Franklin. In the meantime elections for the legislature were held in March, 1785. That body, when it convened, elected Sevier governor, appointed county officers, created new counties, incorporated Martin Academy, and fixed salaries in commodities.

These activities amounted to defiance of North Carolina, for not only had the sovereignty of the state been specified to last until Congress should accept the cession, but the act of cession itself had been repealed. The future of Franklin depended therefore on the question of the attitude of Con-

gress, the co-operation of other frontier communities, and the policy of the North Carolina authorities.

One of the first acts of the Franklin legislature was to appoint William Cocke delegate to the Continental Congress to lay before that body the affairs of the nascent state. As the act of cession had been repealed, Congress could do nothing but advise North Carolina to reconsider its action. Later Cocke appealed to Benjamin Franklin; his advice was not to continue in the policy of separation. However hope of federal action revived at the time of the Federal Convention. The argument then advanced was that, as the act of cession gave Congress twelve months to consider or reject the offer, the repeal was illegal, and the way was open for federal intervention. A direct bid for such action was probably made by reserving the proceeds from Indian land sales for the payment of Franklin's quota of the federal debt; but the matter was not formally presented for the consideration of the convention.

The Franklin authorities also sought the co-operation of neighboring frontier settlements. Chief of these was Washington County, Virginia. There grievances existed against the Virginia government. Col. Arthur Campbell, justice of the peace and county lieutenant, declared the people would take up arms rather than submit to further unjust taxation. Two petitions were sent to Richmond, asking for the erection of a new state whose boundaries might include Franklin. But the Virginia legislature had no sympathy for such a plan, and in 1785 declared that any attempt to form an independent government within the limits of the state would be considered high treason. The Franklinites, strange to say, also sought the co-operation of the Cherokee Indians. It was thrice reported in 1785 that negotiations were pending, looking to the incorporation of the Cherokees with the State of Franklin. The Indian negotiations were not fruitful, for land treaties were not agreed to by all the Cherokee chiefs. In the desire for expansion an expedition was sent to Muscle Shoals to make occupation under titles from Georgia. The hostility of the Creeks was thus aroused, and negotiations were opened with Georgia for an Indian war. However, Con-

gress intervened, appointing three commissioners, one from South Carolina, one from Georgia, and one from North Carolina, to pacify the redmen, so checking the possibility of expansion by the State of Franklin. Interest was also manifested in the greatest of all western problems, the navigation of the Mississippi. According to a report, two delegates were sent to a convention of western settlers in the Kentucky district to consider the Mississippi question. Another report declared that a legion of 150 men was authorized to march against the Spanish. Evidently, if the colonists of the Mississippi valley should take such matters in their own hands, a new confederacy might result; by co-operation, Franklin might secure membership in it; but that prospect did not mature.

Thus the Franklinites had to meet their most pressing problem, the attitude of the State of North Carolina, alone. A clause in the Constitution of 1776 looked forward to the establishment of two or more states west of the mountains. This constitutional provision, the necessity of ultimate cession as outlined by Williamson, the distance of Franklin from the older sections of the state, together with the general confusion of the times, led to a policy of conciliation as well as of firmness. Alexander Martin, governor during the development until April, 1785, sent a special messenger to inform Sevier of the repeal of the act of cession. The legislature of Franklin replied: "We are induced to think that North Carolina will not blame us for endeavoring to promote our own interest and happiness, while we do not attempt to abridge hers, and appeal to the impartial world to determine whether we have deserted North Carolina or North Carolina deserted us."[10] Martin then issued a proclamation calling on the people to return to their allegiance, declaring that their grievances were removed by the court law and the militia district, and that resistance might lead to civil war. More conciliatory was Governor Caswell, who assumed office in April, 1785. Writing to Sevier, he declared he had not seen Martin's proclamation, indicated that the payment to the In-

[10] S. R., XXII, 637.

dians was ready to be delivered, and suggested that he himself might soon visit the west. He also sent commissions for North Carolina officers, and soon there were two sets of officials, those exercising authority under North Carolina and those under Franklin. The legislature of North Carolina in January, 1787, was also conciliatory, offering pardon and oblivion to all who would return to allegiance and remitting taxes from the end of 1784 to that time. Sevier also became moderate. In October, 1786, he declared that Franklin did not desire any terms but such as were consistent with the honor and interest of both parties, and in March, 1787, he made an agreement with Evan Shelby, his successor as brigadier of militia, for cooperation in criminal matters and the suspension of all civil suits except wills and deeds, and that the people should pay taxes to either North Carolina or the State of Franklin.

However the Franklin legislature was more radical; it imposed fine and imprisonment on any who accepted commissions from North Carolina, opened a land office, and offered bounties to all who would enlist in the militia and resist the administration of the mother state. Where the legislature led, Sevier followed. In strong contrast to his conservative attitude, he now wrote Governor Caswell: "We shall continue to act independent and would rather suffer death, in all its various and frightful shapes, than to conform to anything that is disgraceful." Bitterness and retaliation developed. As Sevier had originally opposed separation and then drifted with the movement, John Tipton, after the repeal of the act of cession, returned to his allegiance to North Carolina. These two now became the leaders of rival factions in Franklin. In August, 1787, Tipton with fifty men attempted to seize the Franklin court records in Washington County, but found himself opposed by 200 Franklinites. From time to time conflicts of minor importance occurred. Shelby asked Governor Caswell for 1,000 troops in 1787. Again the governor was conciliatory. In an address he appealed to the sober judgment of the people, pointed out the imminent danger of an Indian war, such a war having actually broken out in Davidson County in 1786, and held out hopes of some action by the North Carolina legislature. In fact at the suc-

ceeding session of the legislature representatives from the original Watauga counties appeared and were given seats, while the Franklin legislature also sent delegates to present claims for separation. The legislature extended the act of oblivion, and by March, 1788, the State of Franklin collapsed, for Sevier's term then expired and no session of the Franklin legislature met to elect a successor. Sevier himself was chosen a member of the North Carolina legislature in 1789, and took his seat after a special act pardoning him had been adopted.

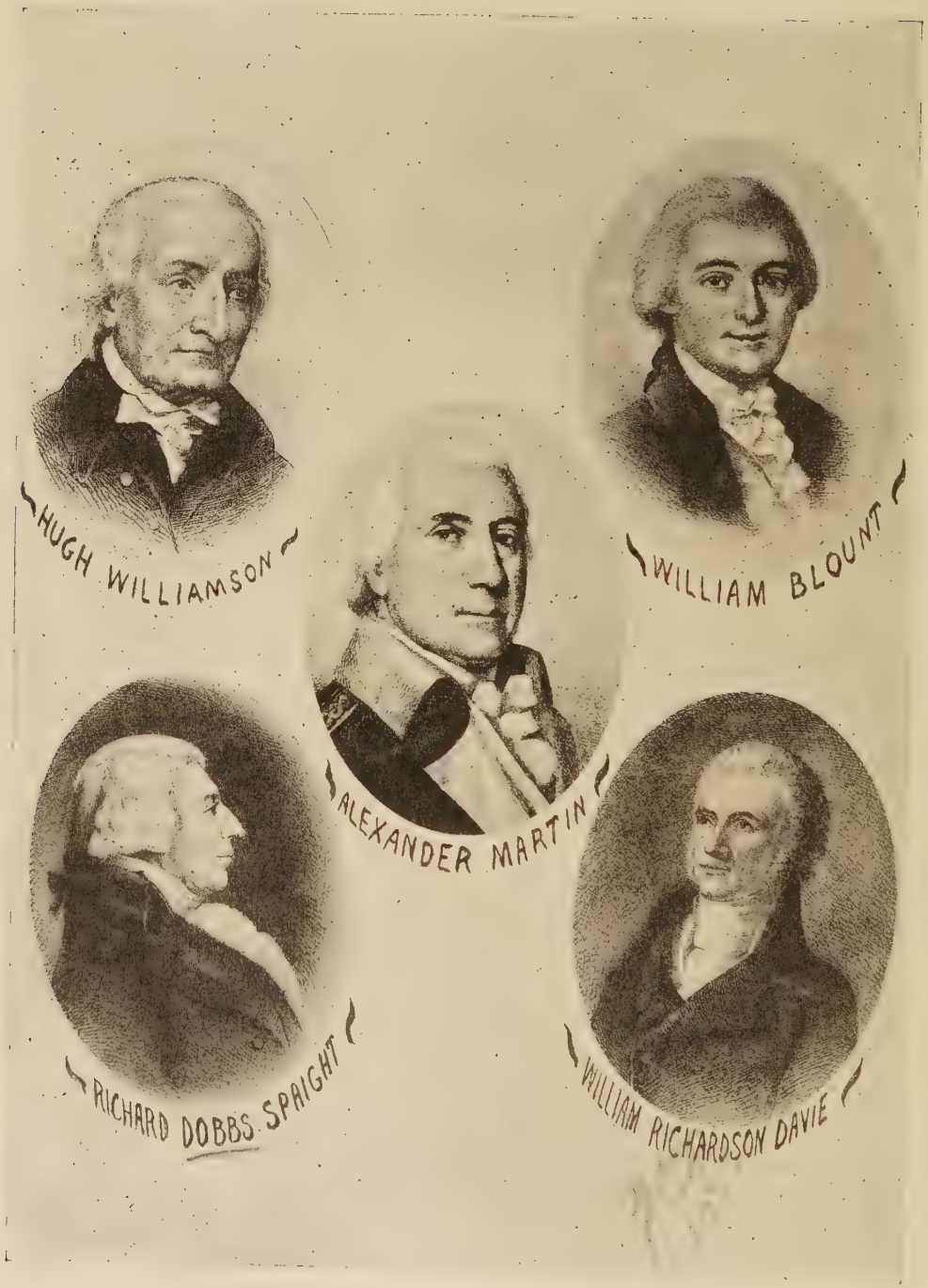
CHAPTER II

FEDERAL RELATIONS, 1783-1787

State Rights and Nationalization—The Federal Convention and the Ratification of the Constitution

The attitude of North Carolina toward continental authority reflected motives of self-interest and patriotic devotion. Liberal military support was given the Revolution, but state authority was maintained over all troops, even regiments in the continental line, often to the extent of conflicting with Congress. Delinquent in meeting its quota of national expense, generous response was made to recommendations for financial reform. In 1781 Congress was granted authority to levy a five per cent impost on foreign goods, and in 1782 the charter of the Bank of North America was validated. However, with the last year of the war the condition of federal finances became more serious. The continental currency had depreciated, the states were hopelessly in arrears with their requisitions, and radical reform or bankruptcy were inevitable alternatives. Under the advice and leadership of Robert Morris, Congress in the spring of 1783 proposed certain amendments to the Articles of Confederation. In its policy toward these, North Carolina also displayed an interesting balance of self-interest and altruism.

The first of the proposed amendments made population, five slaves counting as three whites, the basis of apportioning requisitions among the states. Now land granted or surveyed had been made the basis of apportionment in the Articles of Confederation through the unanimous votes of the Southern delegates in Congress, for it was believed that a land basis, restricted to surveyed or improved land, would impose the least burden on the South. By 1783 opinion was



North Carolina Delegates to the Convention of 1787

changing. North Carolina had granted thousands of acres as bounties to soldiers; speculation was rife, land was being granted and surveyed more rapidly than it was being improved and made productive. Hence arose a feeling that population, five slaves counting as three whites, would incur less requisition than land. Hugh Williamson and William Blount, delegates of North Carolina in Congress, favored the change. The second recommendation was that the continental authorities be allowed to levy a specific duty on imports for twenty-five years. To this the North Carolina delegates offered no opposition, since the foreign commerce of the state was comparatively insignificant, and whatever burden involved would therefore be borne by other states. The third recommendation, however, was far more drastic. It was nothing less than a direct land and poll tax, the levy on land to be according to the number of acres, irrespective of quality. Williamson and Blount saw in this a hardship, but their interest was overshadowed by the fourth recommendation, the cession to Congress of all land west of the mountains. This they approved only on condition that North Carolina receive full credit for all services in the Revolution and that any state organized out of the ceded territory should assume its quota of the continental debt.

These recommendations were submitted to the legislature in the spring of 1784. They had the endorsement of Williamson and Spaight and also of Governor Martin. Approved by a legislative committee, they were adopted without protest, except the cession of western lands. Moreover, another recommendation, forwarded after these, was readily endorsed; that Congress should have the right to prohibit the importation of foreign goods in any ships except those owned by citizens of the United States, a measure aimed at the restrictive commercial policy of England. None of these measures went into operation, for those relating to revenue and navigation were not approved by all the states, and the cession of western lands was repealed by the next legislature. However North Carolina's record in the movement to revise the Articles of Confederation was unsurpassed; only one other state, Delaware, approved all the recommendations

of Congress. Moreover in 1785, after the recommendation for the control of navigation had failed of general approval, a local attainment of its ends was sought by levying five shillings per ton on every vessel of a nation, on entering a North Carolina port, which did not have a commercial treaty with the United States, and a duty of twenty per cent above the regular schedule on its cargo, except goods manufactured in the United States from domestic raw material.

The legislation of 1784 marks the high tide of interest in continental affairs. Thereafter less attention was given to Congress; frequently the state had been unrepresented in its deliberations, but the absence of delegates in 1785 and 1786 became notorious. For this, financial conditions were to a large extent responsible. The salaries of Congressmen were small, the depreciation of the state currency made them almost worthless outside of North Carolina, the treasury was so low that salaries could not always be paid, and in some instances the transportation of tobacco and other products north was the only means by which the North Carolina delegates could meet their expenses. The custom of appointing five delegates to serve in rotation, adopted in 1785, also proved a failure. Yet the sense of responsibility for continental affairs only waned and did not die, for in 1787 on the recommendation of Congress the Treaty of Peace was enacted into the law of North Carolina.

In the meantime a new movement to revise the Articles of Confederation was inaugurated. In July, 1786, Governor Caswell and the Council of State appointed five commissioners to attend the Trade Convention at Annapolis. Of these only one, Hugh Williamson, made an effort to go, and he arrived the day the convention adjourned. Then came the call for the Federal Convention to meet in Philadelphia for the purpose of remedying the defects in the Articles of Confederation. The legislature which met in November, 1786, was much concerned with the investigation of the judiciary, frauds in the army accounts, and the affairs of the State of Franklin. Largely through the efforts of James Iredell, the convention movement was approved. Five delegates were elected, of whom three, Willie Jones, Alexander Martin, and

Governor Caswell, were said to oppose, and two, Davie and Richard Dobbs Spaight, to favor, a revision of the Articles of Confederation. Jones and Caswell declined to serve, and acting under the law approving the convention, Caswell appointed in their places Hugh Williamson and William Blount. As these two favored the movement for revision, the character of the delegation was changed, all except Martin being in sympathy with the desire to amend the Articles.

The convention organized May 25, 1787. The impression made on one of their colleagues by the North Carolina members has been preserved in the notes of William Pierce, delegate from Georgia. To him Blount was a "character strongly marked for integrity and honor, plain, honest, sincere," about thirty-six years of age; Williamson, a "gentleman of education and talents" who "enters freely into public debate from his close attention to most subjects, but who is no orator," forty-eight years of age; Davie, "silent in the convention," whose "influence was always respected," age thirty; Martin, "not formed to join public debate, being no speaker," age forty.[1] Of these delegates Williamson was most active in the convention, speaking more frequently and being appointed to more committees than his colleagues from North Carolina. Williamson and Spaight were present from their arrival until adjournment; Davie and Martin left before the convention rose, while Blount, although present at adjournment, was absent most of the time, attending sessions of the Continental Congress in New York.

When the convention proceeded to business, resolutions were offered by Randolph of Virginia which were revolutionary. Instead of revising the Articles of Confederation, they provided for three branches of government, a supreme legislature, executive, and judiciary. The legislature was to consist of two houses, the first elected by the people, the second by the first, with the right to negative laws infringing the Articles of Union and to use force against any state resisting its authority. The executive was to be chosen by the legislature, and with the judiciary was to act as a council of

[1] Notes on the Federal Convention (Am. Hist. Review, vol. III).

revision with the power to veto acts of the legislature. The judiciary was to consist of supreme and inferior courts elected by the legislature, the judges to serve during good behavior. These resolutions were the subject of discussion from May 29th until late in June. The paramount issue was one of nationalization advocated by the large states, especially those with undeveloped western lands, and opposed by the small states. The North Carolina delegates cast their lot with the large states; their sentiment was for nationalization. Thus when Randolph proposed that representation in the legislature be according to taxation or free population, it was moved by Hamilton, of New York, and seconded by Spaight, that "suffrage in the national legislature ought to be proportional to the number of free inhabitants." It was also Spaight who first suggested the election of members of the upper house by the state legislatures, and as a result the convention rejected the election of the second house by the first as proposed in the Randolph resolutions. However the North Carolina delegates agreed with the majority that the proportion of membership in the upper should be the same as in the lower house. Regarding the executive, Williamson and Spaight favored election by the national legislature. Concerning the veto power, the North Carolina delegates were less nationalistic; they opposed joining the executive and the judiciary in the revision of the laws, and Williamson suggested as a substitute that in all legislation a two-thirds majority be required; he was especially opposed to the legislature having any power that would restrain the internal police power of the states.

Against the nationalizing process there was increasing discontent. The small states finally made the matter of representation in the upper house a test of strength, demanding equality of representation. In the midst of the debate Benjamin Franklin called attention to the fact that the sessions of the convention had not been opened with prayer and suggested that application be made "to the Father of lights to illuminate our understandings." Quite a discussion followed; it was ended by Williamson who "observed that the true cause of the omission could not be mistaken. The con-

vention had no funds."[2] Finally there was a tie vote on the matter of representation, North Carolina voting against equality. A committee of one from each state was then chosen to reach an adjustment, Davie representing North Carolina. The committee reported in favor of equality in the Senate, and of counting five negroes equal to three whites in apportioning representation in the lower house.

The ensuing debate marked the crisis of the convention. Three issues were involved. One was the equality of the states in the Senate versus proportional representation. Williamson, an exponent of the large state interests, declared the committee's report the most objectionable of any he had heard. Yet when its adoption was put to a vote on July 7th, North Carolina voted aye, while Virginia and South Carolina were among the nays, and Georgia was divided. Williamson declared that North Carolina conceded equality in the Senate on condition that money bills should originate in the lower house, thus compromising the interests of the large states and the small states. The question of apportioning representation in the lower house was equally serious. The committee recommended one member for every 40,000. The commercial interests demanded and secured an amendment that representation in the future should be according to population and wealth. To this Williamson was bitterly opposed, and he contributed to its final rejection by moving that the census by which the apportionment should be made should be limited to free and slave population. Finally, the anti-slavery interests were opposed to including slaves in the basis of representation, while South Carolina and Georgia demanded that the blacks be counted equal to whites. The three-fifths compromise reported by the committee was defended by Davie in strong language. "It was high time to speak out," he said. "He saw that it was meant to deprive the Southern states of any share of representation for their blacks. He was sure that N. Carolina would never confederate on any terms that did not rate them at least three-fifths. If the

[2] Farrand, Records of the Federal Convention, I, 452.

eastern states meant, therefore, to exclude them altogether, the business was at an end."[3] When the final ballot on the compromise was taken, the North Carolina delegates were a unit in its favor. Their vote was decisive and even magnanimous. Equality in the Senate was not to the interest of the large states, and North Carolina ranked third in population; hence four of the large states voted against the compromise, and Massachusetts was divided. On the other hand, the four small states, Connecticut, Delaware, Maryland, and New Jersey, were unanimously for equality. By forsaking the large states, her natural allies, North Carolina secured the compromise and probably saved the convention from adjournment without accomplishing its purpose.

Equally interesting was the feeling of the North Carolina delegates regarding the qualifications of senators and representatives. Williamson favored a longer residence as qualification for senators than for representatives, because "bribery and cabal are more easily practiced in the choice of the Senate which is to be made by the Legislatures composed of a few men, than of the House of Representatives who will be chosen by the people." On the other hand Davie was more optimistic; to him it seemed right to refer "the appointment to Legislatures, whose agency in the general system did not appear objectionable as it did to some others." Davie also opposed proportional representation in the Senate on the ground that large membership could not "possess the activity and other qualities required in it."[4]

The vote of the North Carolina delegates was also influential in another compromise, the adjustment of the slave trade and navigation acts. The delegates of Virginia and certain northern states desired to prohibit the importation of slaves, while the South, an agricultural section, feared the power of Congress over commerce. The matter was referred to a committee of one from each state, Williamson representing North Carolina. It reported against any restriction on the importation of slaves prior to 1800, with no restriction on navigation acts. The South Carolina and Georgia dele-

[3] Ibid, I, 593.
[4] Ibid, I, 487, 542.

gates were not satisfied; they demanded and secured an extension to 1808 of the time limit within which the slave trade should not be prohibited, and also demanded that a two-thirds vote be required for all acts of Congress regulating trade. Virginia, led by George Mason, opposed any concession to the slave trade but favored restrictions on the regulation of commerce. The North Carolina delegates took a middle ground, placing the interests of union above those of section. Thus Williamson declared that if the slave trade were at once abolished, "the Southern States could not be members of the union and it was wrong to force anything down that was not absolutely necessary and which any state must disagree to."[5] The matter was again referred to a committee and its report gave the slave traffic lease on life until 1808. Williamson then made his positon more clear, declaring "that both in opinion and practice he was against slavery; but thought it more in favor of humanity from a view of all circumstances to let South Carolina and Georgia in under these terms than to exclude them from the union."[6] With regard to the regulation of commerce the sentiment of the North Carolina delegates was likewise liberal. Williamson favored a two-thirds majority for trade laws but did not think it vital "because if the majority of the Northern States should push their regulations too far, the S. States would build ships for themselves." Spaight likewise declared that "the Southern States could at any time save themselves from oppression by building ships for their own use." Thus while the South Carolina, Georgia, and Virginia delegates drifted toward particularism, the North Carolina delegates placed union above sectional interests, and worked for compromises.

The attitude of the North Carolina delegates toward other problems of the convention was also notable. On the vexed question of the executive they favored election by the national legislature. When choice by electors was under discussion, Williamson moved that the number of electors from each state "should be regulated by their respective members in the first branch." On July 24th, four days after the electoral system

[5] Ibid, II, 373.
[6] Ibid, II, 415.

had been adopted, it was reconsidered on motion of Houston, seconded by Spaight, and Williamson made a lengthy criticism. He declared that "the proposed electors would certainly not be men of the first or even of the second grade in the states. These would all prefer a seat in the Senate, or the other branch of the Legislature." Moreover, Williamson did not like the unity of the executive; he wished the executive power to be lodged in three men taken from three districts into which the states might be divided. "As the executive is to have a kind of veto on the laws and there is an essential difference in the interests between the N. and the S. States, particularly in the carrying trade, the power will be dangerous if the executive is to be taken from part of the union, to the part from which he is not taken." [7] Ultimately the elective system was re-adopted, but on the final ballot of September 6th, North Carolina voted nay. Likewise the count of electoral votes in the Senate was opposed by Spaight. "If the election or the electors is to be crammed down, he would prefer their meeting all together and deciding finally without any reference to the Senate," and he moved "that the electors meet at the seat of General Government." [8] Williamson seconded the motion, but it received only one vote, that of the North Carolina delegation. The North Carolina delegates also favored a long term for the President and ineligibility for re-election. When the four-year term was finally adopted, the North Carolina delegation gave the only negative vote. The idea of impeachment was first suggested by Williamson, who moved, and it was seconded by Davie, that the executive be "removable on impeachment and conviction of malpractice or neglect of duty." It was Williamson also who fixed the majority to override the veto at two-thirds, a provision secured on the floor of the convention after the committee on unfinished parts of the Constitution, of which he was a member, had reported in favor of three-fourths.

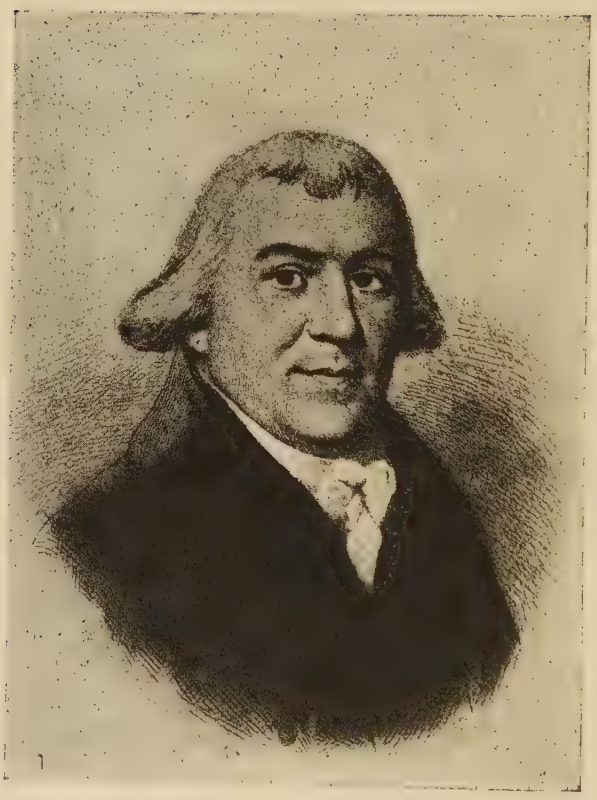
Closely allied with the veto power was the question of the judiciary and civil rights. The North Carolina delegates opposed the union of the executive and the legislature in the

[7] Ibid, II, 100.
[8] Ibid, II, 526.

revision of laws, and as a substitute Williamson suggested that every act be passed by a two-thirds majority. He was also opposed to any power of the national government which would restrain the states in the regulation of their internal police, and at the close of the convention he suggested that jury trials be guaranteed in all civil cases.

When the work of the convention was concluded, the Constitution was signed by Blount, Spaight, and Williamson, Davie and Martin having left the convention before its work was completed. The Constitution was submitted to Congress and by Congress to the states for ratification or rejection.

The ensuing campaigns in North Carolina were the most exciting since the early years of the Revolutionary movement. Instead of the amended Articles of Confederation, for which delegates had been sent to Philadelphia, an entirely new instrument of government was before the people. In state politics there had been for some time a marked division between radicals and conservatives. That cleavage was now accentuated. The radicals, who had stood for inflated currency and proscription of the loyalists, saw in the Constitution a surrender of state sovereignty. The conservatives found in it a "supreme law of the land" which would protect property rights, stabilize the currency, and promote trade and other vital interests against particularistic policies. The latter assumed a party name, federalists, while the former were known as anti-federalists. First in the field with the new issue were the federalists. Before the adjournment of the Philadelphia convention, Williamson suggested the election of a conservative governor as a preliminary step, and in the state elections of August, 1787, the Constitution was an issue, although the final draft had not been completed. The radicals were victorious, securing a majority in both Commons and Senate. When the legislature met in November, the Constitution had been forwarded to the state authorities. Realizing the importance of the issue, partisanship relaxed, Samuel Johnston, a conservative, was elected governor, a state convention was called to meet at Hillsboro on July 21, 1788, and copies of the Constitution were ordered to be printed for distribution among the people.



JAMES IREDELL

The convention campaign was hotly contested. Among the candidates were the ablest political leaders in the state. The case for the federalists was best presented by James Iredell. He was the author of an "Address by the Grand Jury of the Edenton District," drawn up in November, 1787, which endorsed the Constitution as a remedy for the unpaid national debt, the unfulfilled Treaty of Peace, the demoralized commerce, and other problems.[9] In January 1788, under the pen name of "Marcus," he also wrote a reply to George Mason's "Objections to the New Constitution."[10] Both pamphlets were scattered far and wide, the latter having a circulation outside the state. Later, in May, 1788, Davie and Iredell jointly produced a third pamphlet supporting the Constitution.

Equally notable was the campaign of the anti-federalists. Its cue was given by Willie Jones, of Halifax, ultra-democrat in theory, aristocrat in practice, intimate with the Virginia school of individualism. "The poor were to be ruined by taxes," he declared, "and no security for freedom of conscience" was given. In the Wilmington district Timothy Bloodworth, the blacksmith politician, led the opposition, while Joseph McDowell, Thomas Person, and Joseph Winston were anti-federalist candidates in the west. The state judiciary, foreseeing the power to be of the federal courts, was completely anti-federalist. Important also was the attitude of the clergy politicians. David Caldwell, the most prominent Presbyterian divine and long influential in politics, was an anti-federalist candidate. So was Lemuel Burkitt, a prominent Baptist minister and leader. An interesting glimpse of his activity in the campaign has been left by Elkanah Watson, who passed through North Carolina in 1788:

"The week previous to the election, I was riding in company with Major Murfee, who has been already introduced to the reader, and a Dr. Garvey, a warm hearted and energetic Irishman, several miles in the interior from Winton, where we noticed a paper pasted upon a tree, which read as follows: 'Notice!—On Wednesday next, at three o'clock, all persons desirous of hearing the new Constitution explained,

[9] McRee. II. 181.
[10] Ibid. II. 186.

by Elder B——t, are requested to attend his church in the Woodlands, 17th March 1788.' The time appointed was only two days previous to the election.

"We felt indignant, at what we deemed an insidious attempt to deceive the community; and determined to be present in order to counteract his movement. On our arrival we found a horse hitched to every tree about the church, and the interior of the building crowded. We pressed our way into seats a little distance from the pulpit. B——t had been some time at his nefarious work, explaining the Constitution to suit his unhallowed purposes. He frequently cast a suspicious, disconcerting eye upon our pew. He then began to explain the object of the ten miles square, as the contemplated seat of the government. 'This, my friends,' said the preacher, 'will be walled in or fortified. Here an army of 50,000, or perhaps 100,000, will be finally embodied, and will sally forth and enslave the people, who will be gradually disarmed.' This absurd assumption set our blood in fermentation, strongly excited already in party feeling. We consulted the moment, and agreed to possess ourselves of the seat directly under the pulpit, and make an effort to discuss the subject or break up the meeting. We arose together, Garvey with the Constitution in his hand, supported by Murfee on his right and myself on his left. Garvey turned towards B——t, and said, in a loud voice:

" 'Sir, as to the ten mile square, you are'—here he was interrupted by a general movement and buzz, which instantly swelled into a perfect uproar. At this crisis we were in a most critical situation, and only saved from violence by the personal popularity of Murfee, who was universally beloved. We were glad to pass out with the torrent, gain our horses, and be off. We however attained our object—the meeting was dissolved.

"The next day Garvey and myself planned and executed a caricature; and as it was a new exhibition among the people, we hoped it would have a good effect at the polls. A clergyman was represented at the pulpit, dressed in his bands, with a label proceeding from his mouth having this inscription:—'And lo, he brayeth!' This we committed to some reso-

lute fellows, with instructions to post it up at the door of the courthouse, on the opening of the polls; they engaged to defend and protect it. Some of B——t's friends, stung to the quick by the sarcasm, attempted to pull it down. A general battle ensued. This obstructed as we desired, the voting. Candles were lighted in the courthouse; these were extinguished in the melee and both parties in great confusion were left in the dark, literally as well as politically. I embraced the opportunity of taking *French leave.* B——t gained the election, to our great annoyance."[11]

Much was expected from the example of other states, especially Virginia, where anti-federalism was strong. Apparently extraneous influences did not shape the election in North Carolina. The choice of candidates was determined largely by social and economic forces. The variety of racial elements in the population made unity of action on any issue well-nigh impossible. A majority of the people were small farmers and traders, possessing little worldly goods. Hence a sense of individualism, devotion to rights and liberties already won, and distrust of ideals that did not originate at home, characterized political thought. In contrast was the Constitution, which contained no bill of rights guaranteeing individual liberty, conferred on Congress the power of taxation and control over the currency, and provided for a system of justice independent of the state courts. Hence when the elections occurred, the anti-federalists won by a majority of 100 delegates, a majority unequalled in any other state.

When the convention met, the anti-federalists conceded to Samuel Johnston the honor of presiding. They then proposed through Jones to vote at once on ratification without debate, adjourn, and so save the people unnecessary expense. After a plea for a discussion by Iredell, Jones yielded. An extended debate followed. The policy of the anti-federalists was to say little, to make short, incisive criticism of some clauses of the constitution, to keep silent regarding others, and to throw the burden of debate upon the federalists. Though two of the delegates to the Philadelphia convention, Davie

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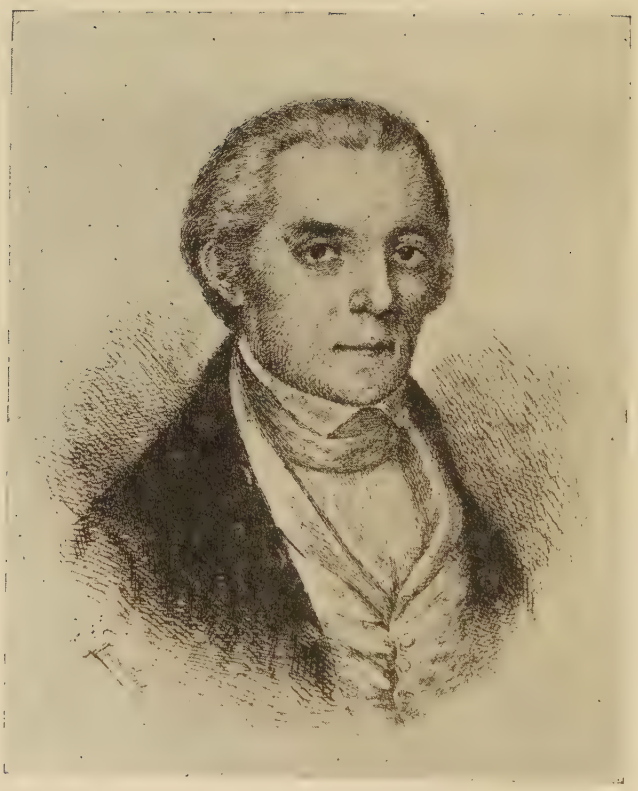
[11] Watson, Men and Times of the Revolution, 262 ff.



Willie Jones

and Spaight, were present, the ablest defense of the constitution was made by Iredell, while Judge Spencer was the leading spokesman of the opposition. Criticism was opened by Doctor Caldwell, who proposed that the convention formulate certain principles of government based on the theory of compact between the people and the rulers, by which the Constitution should be judged. In reply Iredell repudiated the idea of compact. "Our government," he said, "is founded on much nobler principles. The people are known with certainty to have originated it themselves. Those in power are servants and agents, and the people without their consent can remodel their government whenever they think proper, not merely because it is oppressively exercised, but because another form will be more conducive to their welfare. It is upon the footing of this very principle that we are now met to consider the constitution before us."[12] Again Iredell won his point; Caldwell's plan of formulating principles of government was rejected, and the convention decided to consider the Constitution clause by clause.

The first objection raised was that of consolidation versus confederation. The words, "We the People," in the preamble were denounced by Taylor of Wayne as an assumption of power. "Had it said, 'We the States,' there would have been a Federal intention * * * but, sir, it is clear that a consolidation is intended. Will any gentleman say that a consolidated government will answer this country? * * * I am astonished that the servants of the legislature of North Carolina should go to Philadelphia and instead of speaking of the State of North Carolina, should speak of the people. I wish to stop power as soon as possible, for they may carry their assumption of power to a more dangerous length. I wish to know where they found the power to say, *We the People,* and of consolidating the states."[13] The answer of the federalists, best presented by Davie, was that in the past governments purely federal had signally failed; hence it was necessary to invoke the sovereignty of

[12] Elliott, Debates in the Several State Conventions, Etc., IV, 40 (Edition of 1836).

[13] Ibid, 53.

the people "in order to secure the tranquility of the states and the liberty of the people." Although the foundations were laid on the people, "the state governments are the pillars upon which this government is extended over such an immense territory and are essential to its existence." In another connection he declared that "the State governments can put a veto, at any time, on the general government by ceasing to continue the executive power," viz., by refusing to choose presidential electors. Maclaine, another federalist, declared that "this is a government for confederated states, that consequently it can never intermeddle where no power is given." Evidently the federalist argument against consolidation was that sovereignty, according to the Constitution, is divided between the people and the states.

Unconvinced by the federalist theory of sovereignty, the anti-federalists pointed out the possibilities of oppression and tyranny. Illustrative was the power of Congress to levy direct taxes, which was held to be dangerous, liable to interfere with the taxing power of the states, and to bring suffering to the people. "It may happen, for instance," said Judge Spencer, "that if ready money cannot be immediately received from the profits of individuals from their taxes, their estates, consisting of lands, negroes, stock, and furniture, must be set up and sold at vendue. We can easily see, from the great scarcity of money at this day, that a great distress must happen in the country. * * * Such property will sell for one-tenth part of its value. Such a mode as this will in a few years deprive the people of their estates." In contrast he favored the system of requisition on the states by Congress, the states to make the actual levy, with authority for Congress to "take out of the pockets of the people at large if the states fail to pay the taxes in a convenient time."[14]

Along with federal taxation might come a host of federal officers, removable only by impeachment. "These senators and members of the House of Representatives will appoint their friends to all offices," said Taylor, and "these officers will be great men, and they will have numerous deputies un-

[14] Ibid, 97, 98.

der them. The receiver general of the taxes of North Carolina must be one of the greatest men of the country. Will he come to me for his taxes? No. He will send his deputy, who will have special instructions to oppress me. How am I to be redressed? I shall be told that I must go to Congress to have him impeached. This being the case, who am I to impeach? A friend of the representatives of North Carolina. For, unhappily for us, these men will have too much weight for us; they will have friends in the government who will be inclined against us, and thus we may be oppressed with impunity."[15] In reply Maclaine pointed out that impeachment applied only to higher officers of the United States, that the courts of common law would afford redress against the corruption of minor officials. Johnston also pointed out that direct taxes would not be so burdensome as requisitions, since "if the government have it in their power to lay those taxes, we will give them credit to borrow money on that security, and for that reason it will not be necessary to lay so heavy a tax, for if the tax is sufficiently productive to pay the interest, money may always be had in consequence of that security." This argument, however, did not appeal to the financial instincts of the small farmers. "Borrowing money is detrimental and ruinous to nations," said McDowell. "The interest is lost money. We have been obliged to borrow money to pay interest."[16]

In similar vein were other criticisms of federal power. The authority of Congress over federal elections was strongly denounced. "It deprives the people of the very mode of choosing" their representatives, said Spencer. "It seems to throw the whole power of election in the hands of Congress. It strikes at the mode, time and place of choosing representatives. It puts all but the place of electing senators into the hands of Congress. This supercedes the necessity of continuing the state legislatures."[17] According to Bloodworth, "Congress will make the time of election so long, the place so inconvenient, and the manner so oppressive,

[15] Ibid, 71, 72.
[16] Ibid, 193.
[17] Ibid, 77.

that it will entirely destroy representation * * * The elections may be in such a manner that men may be appointed who are not representatives of the people. * * * As to the place, suppose Congress should order elections to be held in the most inconvenient place, in the most inconvenient district, could every person entitled to vote attend at such a place? Suppose they order it to be laid off into so many districts and order the election to be held within each district; yet may not this power over the manner of election enable them to exclude from voting every description of men they please?"[18]

The co-operation of the President and the Senate in the appointing power and in the negotiation of treaties was held to violate the principle of the separation of powers, and doubly dangerous since the Senate, which had the power of correction through impeachment, might be *particeps criminis* with the President. More vigorous was the opposition to provisions for a federal judiciary. Spencer granted the desirability of an appellate court, but saw danger in the establishment of minor federal courts. "There will be, without any measure of doubt," he said, "clashings and animosities between the jurisdiction of the federal courts and the state courts, so that they will keep the country in hot water. * * * The state judiciaries will have very little to do. It will be almost useless to keep them up."[19] The absence of any guarantee of jury trial in the federal courts was also emphasized. "Can it be supposed any man of common circumstances," said McDowell, "can stand the expense and trouble of going from Georgia to Philadelphia there to have a suit tried? Can it be justly determined without the benefit of a trial by jury? These are things which have justly alarmed the people. What made the people revolt from Great Britain? The trial by jury, that great safeguard of liberty was taken away, and a stamp duty was placed upon them."[20] The question of jury trial raised and emphasized another objection, the absence of a Bill of Rights. "When

[18] Ibid, 79. 80.
[19] Ibid, 148.
[20] Ibid, 154.

individuals enter into society," said Spencer, "they give up some rights to secure the rest. There are certain human rights that ought not to be given up, and which ought in some manner to be secured." These should be especially guaranteed, since the federal courts would operate on individuals rather than states, their officers would be under oath to support the Constitution, and there was no clause in that instrument reserving to the states powers not granted.

The defense by the federalists at this point was that the purpose of the federal courts was simply to compel obedience to federal laws and to secure uniformity of justice among the state courts. Moreover, the impracticability of a guarantee of jury trial was pointed out by Iredell. "The trial by jury," he said, "is different in different states. It is regulated one way in the State of North Carolina and another way in the State of Virginia. It is established a different way from either in several other states. Had it then been inserted in the Constitution that the trial by jury should be as it had been heretofore, there would have been an example, for the first time in the world, of a judiciary belonging to the same government being different in different parts of the same country."[21] The federalists also held that a Bill of Rights by its nature was not essential to a written constitution, and that the people through the Constitution "expressly declare how much power they do give and consequently retain all they do not."

The one practical issue of North Carolina politics injected into the debate was that of the currency. The anti-federalists claimed that the inhibition on the states to issue bills of credit would impair the value of the state currency of 1783 and 1785 and that it would prevent contracts made in paper money from being settled in specie. In reply Iredell pointed to the prohibition of *ex post facto* laws, but Maclaine admitted that federal taxes would be levied only in specie. Fear was also expressed that the Northern states, in which the principal industry was commerce, would have a majority in Congress and cause to be adopted a currency policy which

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[21] Ibid, 172.

would be unsatisfactory to the South, which was agricultural. The prohibition of state laws impairing the obligation of contracts was also attacked as a possible means of forcing North Carolina to redeem paper money at face value. The probable assumption of state debts was also criticized in prophetic vein by Galloway. "I trust this country will never leave it to the hands of the general government to redeem the securities which they have already given. Should this be the case the consequence will be, that they will be purchased by speculators, when the citizens will part with them perhaps for a very trifling consideration. Those speculators will look at the constitution and see that they will be paid in gold and silver. They will buy them at a half crown in the pound, and get the full value for them in gold and silver." [22]

Such was the trend of the debate. To the modern reader the objections of the anti-federalists are apt to seem trivial, based on a superficial knowledge of the Constitution. Undoubtedly the federalists had a clearer and profounder understanding of its provisions. Yet in the anti-federalist argument there was something of the prophetic element, for as the years have passed the state courts have been overshadowed in importance by the federal judiciary, too often Congress as well as the national courts has been unresponsive to the will of the people, and the influence of the states on the destiny of the country has become relatively less, and that of the Federal Government, relatively greater.

After six days of discussion Samuel Johnston moved that the Constitution be ratified and that amendments be proposed, a procedure adopted in other state conventions. But Willie Jones, silent during the debate, took the floor and proposed instead of the vote on ratification, the submission of amendments and the deferring of further action to the future. Such a policy, he maintained, would insure amendments to the Constitution, in support of which he quoted Jefferson's letter to Madison to the effect that rejection by four states would insure amendments. As a concession to the federalists he recommended a resolution that the legislature should levy

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[22] Ibid, 194.

an impost duty similar to that adopted by Congress, the proceeds of which should be paid to Congress. After strenuous objection by Johnston, Iredell, and Davie, Jones' proposal was adopted. A Declaration of Rights in twelve clauses and also twenty-six amendments were thereupon recommended. These were identical with the Bill of Rights and amendments submitted by Virginia except six of the amendments, which forbade Congress to declare a state in rebellion without the consent of a two-thirds vote in both Senate and House, to confer special privileges on any company of merchants, to ratify treaties that interfered with federal laws, to levy taxes on coastwise ships in transit, to interfere with redemption of state currency and its liquidation, or to introduce foreign troops in the United States without the vote of two-thirds of both houses. Then the convention, having been in session for eleven days, adjourned on August 4, 1788.

The federalists were undaunted by defeat in the convention. In fact the trend of events elsewhere gave them courage. Virginia had ratified the Constitution in June, over a month before the Hillsboro convention had convened, and New York ratified shortly after it adjourned, leaving Rhode Island and North Carolina the only states not in the Union. Earnest efforts were made to win the state elections, which occurred in August. Again the anti-federalists won. After the legislature met, a bill for a second state convention was rejected in the House of Commons, a joint resolution for a second federal convention was adopted, and five delegates were elected. However, the federalists were busy among their constituents, and soon a flood of petitions for a reconsideration of the Constitution poured in. At last the radicals yielded, and a second convention was called to meet at Fayetteville. The date fixed was November 16, 1789, by which time the new government would be fully organized and its policy towards amendments would be tested. Thus an issue, that of amendments, was kept open, which might possibly be used against ratification. But the federalists in the first Congress, under the leadership of Madison, conceded the need of further guarantees of liberty and in May, 1789, brought forward the matter of amendments. The result was the first

ten amendments which met the principal objections raised in the Hillsboro convention, and removed the last arguments against ratification. Hence the Fayetteville convention ratified the Constitution on November 22, 1789, the seventh day of the session, by a majority of 118. Believing that all dangers of the federalist system had not been eliminated, the convention also recommended eight amendments; that Congress

Convention Hall, Fayetteville, in Which the Constitution Was Ratified

should not interfere with federal elections except when the states failed to provide adequately for them, that no state should be interfered with in the liquidation of its debts, that Congressmen should not hold federal office during their term of service, that the journals of the Senate and House be published once a year, that accounts of federal income and expenditure also be published annually, that no navigation or commerce law be passed without a majority of two-thirds, that no soldier be enlisted for a longer period than four years

in time of peace, and that some tribunal other than the Senate be provided for the impeachment of senators.

The belated ratification of the Constitution raises two questions. First is the wisdom of the course adopted. Concerning this there have been two views. One regards the action of the Hillsboro convention as a victory of provincialism and prejudice over the forces of progress from which the state gained nothing. The other view is that the refusal to ratify in 1788 was an act of sacrifice in the interest of principles which ultimately triumphed in the first ten amendments, and that the timely submission of those amendments was hastened by the action of the Hillsboro convention. The case for either interpretation rests on too slight evidence to be convincing. Moreover those disposed to criticize the policy pursued have almost uniformly eulogized Johnston, Iredell, and Davie, and found nothing to praise in Willie Jones. Likewise those who seek to justify the delay in ratification are prone to exalt Jones and to disparage his opponents. Thus has the historical literature of the state perpetuated the early prejudices of the federalists and anti-federalists. However, a few facts loom more prominent with the passing of years. The Constitution proposed a radical change in the nature and structure of government; consequently there was bitter opposition in practically every state. In North Carolina there was never the slightest insinuation of political log rolling or corrupt influence at work in favor of ratification; the will of the people was plain and it was unobstructed. Yet the Hillsboro convention, while undoubtedly registering the popular will, did not reject the new form of government, but by offering amendments and adjourning, left open the way for later ratification.

The second question always raised by the state's policy is one of political science. What was the status of North Carolina between the organization of the new government in March, 1789, and ratification the following November? For this the answer is clear and unmistakable; in the light of actions by Congress and by the state, North Carolina was a sovereign and independent power. Tariff laws were enacted which treated North Carolina as a foreign country,

goods imported from its ports into those of the states in the Union being subject to the same duties as goods imported from Europe. Nor was the judiciary act to operate within North Carolina. In diplomacy the record also reveals independence, for Hugh Williamson, representing the interests of the state at the seat of the national government, protested against the tariff law and urged such a division of the national debt that North Carolina might assume its quota. Communications were also opened with the Spanish Minister in regard to the Indians west of the mountains. Evidently North Carolina was exercising sovereign powers when ratification placed limitations on its role as an independent state. Next to the last member to join the Union, it was also next to the last to undertake secession in 1861.

CHAPTER III

FEDERALISTS AND REPUBLICANS, 1790-1815

Party Issues—The Political Revolution of 1800—The War of 1812

In the election for the first Congress the federalists were successful. Both the senators chosen by the legislature, Samuel Johnston and Benjamin Hawkins, were federalists. Three of the representatives, Williamson, John Steele, and John Sevier, were also federalists, while their opponents succeeded in electing only two, John B. Ashe and Timothy Bloodworth.

Political interest centered around the financial program of Alexander Hamilton, which appealed to the commercial and financial rather than to the agricultural sections of the country. The assumption of state debts was condemned in resolutions of the legislature which declared that assumption without the consent of the states would be "an infringement of the sovereignty of this state, and prove eventually injurious and oppressive."[1] The senators and representatives were directed to prevent the evil operations of such acts in any future assumption. Senator Johnston favored the funding of the national debt, but desired that distinction should be made between original purchasers and speculators. In the meantime the congressmen did not arrive at New York until after the funding of the national debt was provided for, but their vote did prevent temporarily the assumption of the state debts. The objections of North Carolina to this measure were well stated by Williamson; that it would increase the burden of taxation, that North Carolina

[1] S. R. XX, 1055.

had already imposed taxes to meet its Revolutionary debt, that one of the amendments to the Constitution recommended at the Hillsboro convention was that no state should be interfered with in the redemption of its paper currency or the liquidation of its securities, that no settlement should be made by the Federal Government until the accounts of each state in the United States should be settled, and that if any debt were assumed it should consist of the amount due from the Federal Government to the states. In the end there was a compromise, the national capital being located in the South in return for sufficient votes to carry the assumption bill. However the North Carolina delegation unanimously voted against assumption, and the legislature filed the following protest:

Resolved, That the assumption of state debts by the Congress of the United States, without their particular consent, is an infringement on the sovereignty of this state, and may prove eventually injurious and oppressive to the same, dangerous to its interests, and senators and representatives are directed to prevent evil operation of such acts in future assumptions.[2]

No less unanimous was the opposition of North Carolina to the excise. Resolutions were adopted by the legislature instructing its senators to oppose the measure. Distant markets made money scarce and prices high; hence the surplus grain crop was distilled into whiskey and was peddled by the farmers on their way to market, thus becoming an important money product. John Steele, federalist, declared "a more exceptional mode of taxation could not be devised than the excise. A direct or poll tax would not be so odious. Such was the aversion of the people to it that they would prefer almost any alternative."[3] In order to equalize the burden, Williamson suggested that taxes should also be levied on beer and cider, and on the final vote Steele and Williamson, as well as Ashe and Bloodworth, were in the opposition. Resistance to the excise was threatened in the western counties, but the following year the law was revised, exempting the

[2] Ibid.
[3] Annals, First Cong., II, 1848.

smaller stills from the tax, and so relieving most of the North Carolina farmers from its operation.

On the bank bill there was a division among the North Carolina representatives, Sevier and Steele favoring, and Ashe, Bloodworth and Williamson opposing it. The Jay treaty of 1795 was also the source of considerable criticism. The objection on the part of North Carolina was made by Holland, who declared that article nine, which enabled aliens to hold land in the United States, would put in jeopardy titles in the Granville district, which had been taken over by the state during the Revolution, and that if the article was ratified and applied to the lands in question, it would be resisted by force.[4] Likewise the provision in the treaty for the liquidation of British debts was contrary to the interests of the commercial classes in Eastern Carolina. On the final vote all the North Carolina congressmen except one, William B. Grove, voted with the opposition.

Interesting also to note was the prevalent feeling towards the act of 1789 organizing the federal judiciary. Davie, staunch defender of the federal system in 1788, wrote that the judiciary act was "so defective in point of arrangement, and so obscurely drawn, or expressed, that, in my opinion, it would disgrace the composition of the meanest legislature of the State."[5] Even Samuel Johnston, arch-federalist, wrote from Philadelphia:—"The House have not given up the idea of a reform in the judicial system; I do everything in my power to keep it up."[6]

The reaction against federalist policies was not confined to speeches and votes in Congress. Within the state there was a strong sentiment against various measures of Washington's administration. In 1790 the House of Commons refused to take an oath to support the Federal Constitution. In the same year also a state court of equity refused to obey a writ of certiorari issued by the Federal District Court ordering a case to be brought before it, and the legislature passed a vote of thanks to the state judges for their ac-

[4] Annals, 4th Congress, 1st session, 1129.
[5] McRee's Iredell, II, 335.
[6] Ibid.

tion. Nor was this restiveness toward centralizing tendencies confined to the opposition. In 1793 James Iredell, who had been appointed a member of the United States Supreme Court by Washington, wrote a dissenting opinion in the case of *Chisholm vs. Georgia,* holding that Chisholm could not sue the State of Georgia, on the ground that the states were completely sovereign in regard to the powers they had not delegated to the Federal Government. This was the first states' rights opinion emanating from the court; Iredell's theory of divided sovereignty became the working theory of the Federal Government, and was a factor in that public opinion which resulted in the twelfth amendment.

Federalist conception of the relation of senators and congressmen to state authority also played a part in the reaction against the party. Prior to the adoption of the Constitution it had been the custom for the state's delegates in the Continental Congress to correspond with the governor regarding national affairs and to visit the annual sessions of the legislature, and to take instructions from the body that elected them. Gradually under the new regime there developed an aversion to this tradition. First to revolt were the senators; Johnston and Hawkins did not give an account of their stewardship at the sessions of the legislature, and Johnston voted for the excise bill, against which instructions had been adopted. Hence, early as 1790 the legislature adopted resolutions directing senators to use their efforts for open sessions of the Senate, and that they correspond with the legislature when it was in session and with the governor between sessions. On the expiration of Johnston's term in 1792, he was replaced by Alexander Martin. Although the federalist members of the lower house were not yet in revolt against the idea of responsibility to the legislature, the reaction against their party reached its height in 1793 when the republicans carried all the congressional districts save one, the Cape Fear, and from then to the end of our early party history the republicans elected a majority of the North Carolina congressmen. President Washington himself was not spared partisan criticism. In 1794 Timothy Bloodworth made an issue of the President's neutrality proclamation, was

elected to the legislature, and became senator in 1795 in place of Hawkins. In Congress the reply to Washington's last address was criticized by Nathaniel Macon as too adulatory, and Macon, Blount, Holland, and Matthew Locke voted against its adoption. In the presidential election of 1796 Adams received only one electoral vote from North Carolina.

The revolt of the state from federalist control did not escape the attention of republican leaders elsewhere. By 1798 there was a movement to induce North Carolina to join in a revolt against the alien and sedition laws. John Taylor, of Caroline, Virginia, suggested to Thomas Jefferson that Virginia and North Carolina secede and form the nucleus of a new confederation. Jefferson was equally dissatisfied with federalist policies, but he placed union above section. "If we reduce our union to Virginia and North Carolina," he wrote, "immediately the conflict will be established between the representatives of these two small states and they will end by breaking into other simple units."[7] Jefferson therefore suggested that a protest only be made against the notorious alien and sedition laws, and that North Carolina join with Virginia in that protest. However, in 1798 there was a strong federalist reaction in North Carolina; hence Kentucky was chosen by Jefferson to join in the protest instead of North Carolina, and the articles adopted were known as the Virginia-Kentucky resolutions.

The cause of the federalist reaction referred to was resentment toward the French government, its perfidy and insult to the United States being revealed in the X. Y. Z. Correspondence. The war fever was aroused, federalists and republicans rallying to the support of the President. In the local elections of 1798 the federalists won a majority in the State Senate, Davie was elected governor by the legislature, and in the congressional elections six districts went federalist. An address to the President of the United States, expressing loyalty and co-operation, was drafted by the legislature. Consequently when the Kentucky resolutions were submitted to the legislature of North Carolina there was no

[7] Jefferson, Writings (Ford Ed), VII, 263.

response; in the Senate resolutions instructing the state's delegation in Congress to work for the repeal of the alien and sedition laws were defeated, but similar resolutions were adopted in the Commons, where the republicans had a majority. Also Alexander Martin failed to be reelected to the United States Senate on account of his vote for the alien and sedition laws; his successor was Jesse Franklin.

Such was the drift of politics as the presidential election of 1800 approached. The federalists, encouraged by recent victories, hoped to carry the state for Adams. But the issue of war with France was removed by the treaty of 1799. Hence the federalist appeal to loyalty could apply only to the reports of secession sentiment in Virginia. To assure victory a bill was introduced in the legislature of 1799 to place the choice of presidential electors in the legislature. It was defeated by a small republican majority in the House. The early federalist prospects for victory did not mature. The party experienced a loss of leadership. Iredell died in 1799, Samuel Johnston was in his dotage, Davie resigned as governor to accept a mission to France, and was abroad when the election took place. Moreover Spaight and Stone, two of the congressmen elected in 1798, demanded a repeal of the alien and sedition laws and finally left the party. Contemporary with this loss of leadership by the federalists, a new and powerful factor did much to rally the republicans. This was the *Raleigh Register,* the first republican newspaper in the state. It was established in 1799, its first number appearing on October 22. Its editor was Joseph Gales, an English radical, who had been forced to leave his native country on account of the opinions contained in his paper, the *Sheffield Register.* In 1795 he arrived in Philadelphia and soon became known as an expert reporter of proceedings in Congress. Realizing the need of a party organ in North Carolina, Nathaniel Macon and other republicans persuaded Mr. Gales to come to Raleigh and establish the *Register.* The editorials were spirited and readable, and during the campaign copies of the paper were sent to a large number of doubtful voters free of charge. Alarmed by the aggressiveness of the *Register,* William Boylan, editor of the *Minerva,*

moved his paper, which was federalist, from Fayetteville to Raleigh. Thus begins the history of the partisan press in North Carolina. An interesting incident was a physical conflict between the two editors on the streets of Raleigh. Gales brought suit for damages against Boylan. The trial was

Joseph Gales

removed to Hillsboro. The jury awarded the plaintiff damages of £100, and Gales, after paying the attorney's fees, donated the remainder to the Raleigh Academy. The influence of Gales and his paper extended beyond the confines of North Carolina. He secured an interest in the *National Intelligencer,* organ of the republicans at Washington, and in 1807 Joseph Gales, Jr., became the congressional reporter and in 1810 sole owner of the *Intelligencer.* In 1812 he was joined in the ownership by his brother, William W. Gales, who

had for three years been associated with the elder Gales in the *Register*. On the retirement of Joseph Gales, Sr., the editorship of the *Register* was continued by his son, Western R. Gales.

The result of the presidential election of 1800 was a victory for the republicans. However, the federalists secured four of the electoral votes, quite a gain over the vote of 1796. This was undoubtedly due to the reaction against France and the strong appeal to conserve the Union made by the federalists.

The election of 1800 marks a revolution in American politics, a decisive victory of the Jeffersonian republicans over federalism, yet as far as North Carolina was concerned there was in the election no guarantee of permanent supremacy. The four electoral votes for Adams suggest a rugged independence when contrasted with the solid vote of Virginia, South Carolina, and Georgia for Jefferson. There were also four federalist congressmen, and until the end of the Second War with England the Salisbury, Fayetteville, and Edenton districts manifested distrust of republican measures. Some of the clergy were also hostile to the recent political change; a minister in Orange County prayed that "God would send the name of Republicanism to its native Hell." Moreover federalistic ideals had attracted men of ability, vision, and character. With the return of Davie from France early in 1801, plans were laid for opposition to the new regime. Consequently Jefferson and his advisors did not rest easy with laurels recently won. A new weapon was found in the federal patronage. Macon wished to make party loyalty the sole test for appointment; instead, Jefferson adopted the policy of offering certain high offices to federalists in order to weaken their party allegiance. Hence Benjamin Hawkins was appointed one of the commissioners to the Creek Indians, and was also consulted concerning other appointments. Davie likewise accepted a commission to treat with those Tuscarora Indians who had not removed from North Carolina. John Steele, first Comptroller of the United States Treasury, remained in office until his resignation in 1802.

The undoing of the North Carolina federalists was not

accomplished by Jefferson's seductive policy but by their indifference, if not resistance, to the popular will. This was disclosed in their attitude toward the repeal of the Judiciary Act of 1801. By that law the federalists had increased the number of circuits and created a number of circuit judgeships to which President Adams had appointed federalists. One of Jefferson's measures of reform was to have the law repealed on the ground that it was unnecessary. The North Carolina legislature, thoroughly in sympathy with the Jeffersonian idea, instructed the senators and recommended to the representatives, to vote for the repeal. However the four federalist members of the House from North Carolina disregarded the recommendation and voted against repeal. Their explanation was partly expediency, that an increase of circuits and judges was actually needed, and also constitutionality, that the repeal of the law violated the independence of the judiciary. Two of the members defended at length their vote before the House. Stanly declared: "Should this measure pass it will be the first link in that chain of measures which will add the name of America to the melancholy catalogue of falling republics." Henderson exclaimed: "If the doctrine intended by the gentleman of the other side of the House should become the settled construction of the Constitution and enlightened America acquiesce with that construction, I declare for myself, for myself alone, I would not heave a sigh or shed a tear over its total dissolution. The wound you are about to give it will be mortal; it may languish out a mere existence for a few years, but it will surely die. It will neither serve to protect its friends nor defend itself from the omnipotent energies of its enemies. Better at once to bury it with all our hopes."[8] These remarks clearly indicate a lack of sympathy of the federalists with Jeffersonian ideals. Failure to heed the instructions of the legislature raised the issue of responsibility to the popular will, and in the election of 1804 there was a reaction, the state sending a solid republican delegation to Congress. An interesting incident of the campaign was the contest between Davie and Al-

[8] Annals of 7th Congress, 1st session, 523, ff; 569, ff.

ston in the Halifax district. Alston was victorious and Davie, chagrined at defeat, retired from politics and from the state, spending the remaining years of his life on his plantation on the Catawba River in South Carolina.

The victory over federalism was not followed by unanimity toward dominant republican policies. The same independence that characterized federalism in North Carolina was also a feature of the republican party. Illustrative was the attitude of Nathaniel Macon. As Jefferson was the idealogue of democracy, Macon personified democracy through character. Honesty, economy, simplicity, and the rights of the states as the best protection of the agricultural interests, were principles concerning which he was uncompromising. Elected Speaker of the House of Representatives in 1801 in recognition of North Carolina's loyalty to the republican cause, he soon realized that his ideals did not permit an unqualified support of the administration. With the impeachment of the federalist judges he had little sympathy, believing that public opinion did not demand it. He opposed the policy of the government to recognize the validity of land grants which had been made and then revoked by the legislature of Georgia in the Yazoo district, which had been ceded to the United States in 1802. With the co-operation of John Randolph of Virginia he was successful in his opposition, for no settlement of the claims was made until 1814, after their validity had been established by the Supreme Court. Moreover, Macon did not favor the rise of Madison to power, who was slated for the presidential succession, but preferred Gallatin of Pennsylvania. How stiff-necked the Speaker might become is shown by his vote on the resolution submitting the twelfth amendment to the Constitution to the states; it lacked one vote to make the required two-thirds majority. Macon claimed the right, as a member of the House, to cast a vote for the measure, overruled the opinion that the Speaker's vote was limited to tie cases, and thus the amendment was submitted.

Macon was not alone in his disaffection. Of one mind with him were John Randolph, of Virginia, whom Macon appointed chairman of the Ways and Means Committee, and Nicholson, of Maryland. These insurgents were known as the

"Quids," and frequently voting with them were Richard Stanford, of Hillsboro, Thomas Wynns, of Hertford, and Joseph Winston, of Surry County. In 1806 the rank and file of the House became restive over the disaffection of these members. In order to shelve Randolph as chairman of the Ways and Means Committee, there was a movement to take from the Speaker the right of appointing standing committees. It failed by only two votes. Macon, yielding to the desire of the majority, appointed Joseph Clay of Pennsylvania to head the committee of which Randolph had been chairman since 1801. The following year Macon himself lost the speakership; he then became reconciled to the leadership of Madison and also broke with Randolph.

In the meantime foreign affairs became the dominant national problem. In the efforts toward their solution Macon and his colleagues from North Carolina manifested their independence. In reply to England's interference with American trade, Congress in April, 1806, enacted the non-importation law, which prohibited the importation from England of such goods as could be manufactured in the United States. It was criticized by Macon, who feared war would result, by pointing out that any diminution of the customs would require increase of the internal taxes, which would be a burden to the South. However, at the final vote on the measure the only North Carolinian in opposition was Richard Stanford. Non-importation was a failure. It was followed by grave insults over the right of search and a more drastic interference with American shipping by the French decrees and the British orders in council. Upon Jefferson's recommendation Congress adopted the embargo act of 1807, which forbade American ships to engage in foreign trade. Macon did not approve of the measure, and on the final vote five of the North Carolina representatives were among the nays, Blackledge, Alexander, Culpepper, Holland, and Stanford. The embargo forced no concession from Europe and created discontent at home. It was superseded by the non-intercourse act of 1809, which prohibited trade with France and England, but sanctioned it with the countries not under their control. Again

the North Carolina delegation was divided. Macon favored continuance of the embargo, believing total severance of trade relations to be the best guarantee against war, and of like mind were Blackledge, Blount, and Stanford. When negotiations with England proved fruitless, Macon, as chairman of the special committee on foreign relations, introduced a measure which, if adopted, might have forced England to terms and so have avoided war. Its principle was that of the British navigation acts, closing the ports of the United States to British and French ships and admitting goods of those nations only when imported directly in American vessels. This was an administration measure framed after consultation with Madison and Gallatin. Although it passed the House, it met defeat in the Senate, due to a faction in the party bitterly hostile to Gallatin. Thereupon in April, 1810, Macon reported a new measure, really the work of Taylor of South Carolina. It repealed the non-intercourse act, making commercial relations free, but authorized the President to prohibit trade with England or France in case one of them revoked its commercial decree. The law was known as Macon Bill No. 2. It proved ineffective. Napoleon promised revocation of the French decrees. Madison thereupon suspended intercourse with England, but Napoleon did not fulfill his promise, and the French continued to seize American ships. These results were doubtless no surprise to Macon, for he had voted against the law, and likewise Archibald McBryde, John Stanly, and Richard Stanford.

The demoralization of trade resulting from the failure to adjust foreign relations threatened a party crisis in North Carolina. In 1808 three of the electoral votes were cast for Pinckney, federalist candidate, and in the congressional campaign also the federalists carried four districts, William Kennedy being elected from the Tarboro, Archibald McBryde from the Fayetteville, Joseph Pearson from the Salisbury, and John Stanly from the Newbern district. Moreover there was division in the republican ranks. Willis Alston of the Halifax district showed marked independence by voting for the recharter of the national bank in 1811.

Lemuel Sawyer, of Edenton, denounced efforts at compromise in foreign relations, and declared that only war would meet the situation, while Richard Stanford often voted with the federalists. Hence as the presidential election of 1812 approached, there was alarm lest the federalists carry the state. To prevent such a catastrophe, the legislature of 1811 transferred the choice of electors from the people to the legislature in order that Madison might receive the full vote of the state. However the measure proved unpopular. In the legislature of 1812 there were sixty federalists, among them Gaston, Steele, Stanly, Grove, and Henderson. Nor was the measure popular with the republicans. James Mebane, the member who had introduced it, was defeated by Murphey, and when the legislature of 1812 met, the federalists and anti-electoral republicans procured the repeal of the law and the adoption of a resolution proposing an amendment to the Federal Constitution guaranteeing popular choice of electors. In the meantime the war fever increased, especially in the Southwest, and war was declared on England on July 18, 1812. However, Pearson, McBryde, and Stanford voted against the declaration, and David Stone, elected senator in 1812, was soon out of sympathy with the policy of the Government.

The war aroused considerable martial response in North Carolina. The call for 7,000 militia by the federal authorities, the state's quota of 100,000 to be detached for United States service, was met almost entirely by volunteers. However the problems of equipment and coast defense were serious and became the subject of controversy. According to state law members of the militia should arm and equip themselves, a task well-nigh impossible considering the unusual number called out. Moreover the kind of arms used in the United States service was not to be had, because the act of Congress of 1808 requiring a deposit of federal arms among the states had not been complied with so far as North Carolina was concerned. Hence equipment for the militia was not secured until the legislature appropriated $50,000 for supplies and $25,000 for arms in 1813, and $55,000 for arms in 1814. Reimbursement for these expenditures became a matter of con-

troversy between the state and federal governments, and the matter to this day has not been settled. The coast defenses were inadequate. At Wilmington were half a dozen gun boats, all out of commission. Shortly before the war opened companies of regular troops at Fort Johnston, below Wilmington, and Fort Hampton, near Beaufort, were withdrawn. Thus the state was virtually unprotected from invasion. In May, 1813, citizens of Beaufort and Wilmington petitioned Governor Hawkins concerning defense. The Governor in turn laid the case before the War Department, and Senators Stone and Turner interviewed President Madison.

Anxiety was well grounded, for on July 11, 1813, Admiral Cockburn, with a fleet of one seventy-four, three frigates, one brig, and three schooners appeared off the coast, entered Ocracoke Inlet, landed at Portsmouth and Shell Castle, seized two American vessels, destroyed considerable personal property, and impressed live stock. Governor Hawkins at once organized a relief expedition, consisting of the militia of the central and eastern counties, but the British sailed southward for Florida without attacking Beaufort or Wilmington. There were no further raids of sufficient import to call out the militia. The only activities of the North Carolina troops during the war were beyond the boundaries of the state. In 1814 a regiment was sent to the Creek country and another to Norfolk, Virginia, and in 1815 a third was ordered for service on the Southern frontier of the United States.

The state's martial association with the conflict was principally through the achievements of three individuals, Otway Burns, Johnston Blakeley, and Benjamin Forsythe. Of these three Burns only operated from North Carolina. When the war began, he was in command of a merchantman plying between Newbern and Portland, Maine. At once he purchased a larger and swifter ship, which he named the "Snap Dragon," took out letters of marque and reprisal, organized a stock company to defray initial expenses, and for two years preyed on British commerce all the way from Newfoundland to South America. The amount of spoils taken is unknown, but one voyage brought in $2,500,000 worth. Auctions of

Congressional Medal in Honor of Captain Johnston Blakeley

the booty held in Newbern were attended by merchants and traders and were advertised as far west as Raleigh. In June, 1814, the "Snap Dragon," then under command of a lieutenant, was captured by the British. Other privateers plying from North Carolina ports were the "Lovely Lass," of Wilmington, the "Hero," of Newbern, and the "Hawk," of Washington.

In the navy lasting fame was achieved by Johnston Blakeley. A native of Ireland, educated at the University of North Carolina, he became a midshipman in 1800 and by July, 1813, had risen to the rank of master commandant. In charge of the "Enterprise," he captured the British brig of the same name, and was then transferred to the "Wasp," a sloop built after the war opened, with an armament of twenty thirty-two pounders and two eighteen-pounders. Running the British blockade at Portsmouth, New Hampshire, Blakeley sailed straight for the English channel, and for two months during the summer of 1814 he was the terror of English merchantmen. He also won two naval victories, one over the British brig "Reindeer," for which Congress voted him a gold medal, the other over the sloop "Avon." His ship mysteriously disappeared in August, 1814.

In the army laurels were won by Benjamin Forsythe. A native of Stokes County, he was appointed second lieutenant of the Sixth United States Infantry in 1800, but was soon after honorably discharged. In 1808 he re-entered the service as captain, and in 1813 was promoted to the rank of major, and in 1814 to that of lieutenant-colonel. During the war his regiment was stationed at Ogdensburg on the Canadian frontier, and was very active in operations along the St. Lawrence River, notably in the capture of Elizabethtown, in February, 1813, and of Fort George in May of the same year. Forsythe himself was slain in a skirmish near Odelltown on June 28, 1814.

Notable as were the achievements of Blakeley and Forsythe, their most memorable service was to awaken in North Carolina a sentiment of state pride and public spirit. The legislature voted Blakeley a sword; when it became known that the "Wasp" and her commander were lost, the legisla-

ture also resolved to make his infant daughter, Udney Maria, a ward of the state, by providing for her education. Likewise, the legislature made a ward of Forsythe's son, James N., by providing for his education. Annual appropriations were made for young Forsythe until 1825, when he left the University and entered the navy. Then the lump sum of $750 was ordered to be invested for him, principal and interest to be paid upon reaching his majority. However the young man lost his life in the wreck of the "Adinet" in 1829 before he received the endowment established for him. The annual appropriation for Maria Blakeley was continued until 1829. The interest and generosity shown by these appropriations were in strong contrast to the apathy toward public causes that had prevailed in earlier years and marked the dawn of a new epoch in public expenditures.

The most important aspect of the war so far as North Carolina was concerned was its political aspects. The conflict opened during a reaction against the leaders of the republican party, caused by the act of 1811 which placed the choice of presidential electors in the legislature rather than the people. Consequently sixty federalists were returned to the legislature of 1812, and in the House of Commons John Steele was defeated for the speakership by a vote of 64 to 59. The obnoxious electoral law was repealed and resolutions were adopted recommending an amendment to the Federal Constitution guaranteeing to the people the choice of presidential electors. Failure of the Federal Government to improve coast defenses was the subject of protest in the session of 1813. Resolutions that were really a censure of the War Department were defeated after a warm debate; a more moderate memorial was adopted expressing disappointment at the neglect of coast defenses in the past and asking protection for the future. The memorial was presented to the President; the only result was an inspection of the defenses by an agent of the War Department. The same session failed to provide for the assumption of the state's quota of the federal land tax.

Criticism and defense of the national administration also

pervaded federal politics. Secret sessions and curtailment of debate in Congress in the early months of the war aroused protest by a number of members, among whom was Joseph Pearson. In 1812 a public meeting in Mecklenburg condemned his attitude, while another in Rowan approved it and also declared that the war was unwise and should be brought to an end. In the congressional elections of 1813 the issue of direct taxes or honorable peace was raised. Four federalist congressmen were elected, Joseph Pearson, John Culpepper, William Gaston, and Richard Stanford. In Congress they joined with fellow partisans from New England and the middle states in opposing various war measures. Culpepper, Gaston, and Pearson voted against the salt taxes of 1813, Stanford joined them in opposing the tax on liquor dealers, Culpepper, Pearson, and Stanford fought the embargo of 1813, and Gaston joined them in a demand for non-interference with the coastwise trade and the successful movement for its repeal. Culpepper, Pearson, and Stanford voted against the military appropriation of March, 1814, and all four voted against the loan bill of that month authorizing the issue of $25,000,000 in bonds. The chief spokesman of the group was Gaston. Bitter in denouncing the American policy that had precipitated war, he opposed military operations in Canada while negotiations were pending with England, early in 1814, and held before Congress the spectre of a slave insurrection in the South in case of a British invasion. How strong was the spirit of partisanship is illustrated by an incident of January 21, 1814. Eppes, chairman of the Ways and Means Committee, read to the House the report of the Secretary of the Treasury, laying bare a condition of practical bankruptcy. He then turned to Gaston and asked:

"Well, sir! Will your party take the government if we will give it up to them?"

"No, sir," replied Gaston. "No, sir! Not until you will give it to us as we gave it to you."[9]

Criticism of war measures reached a climax in the discussion of the record of David Stone. Elected to the United

[9] Perry, Life of George Ticknor, I, 31.

States Senate in 1812, he opposed the embargo of 1813, the appointment of Albert Gallatin as one of the commissioners to Europe in response to Russia's attempt at mediation, and the direct levies on sugar, liquor licenses, and auctioneers as a means of financing the war. A public meeting in Camden County censured Mr. Stone and demanded that he "retire into merited obscurity, vacate his seat in Congress, forbear to let the sound of his unhallowed voice pollute that patriotic sanctuary." In the legislature of 1813 his record became the subject of debate. Resolutions of censure were indefinitely postponed in the House of Commons, but the question was reopened and similar resolutions were sent down for concurrence from the Senate. The report of a joint committee was then adopted by both houses, which declared that Senator Stone had "disappointed the reasonable expectations, and incurred the disapprobation of this General Assembly." A protest, however, against the resolutions was filed by a minority. Senator Stone remained impervious to criticism until December, 1814, when he resigned, giving as his reason for such action the pressure of private business. As a parting shot he declared it unwise to continue the embargo, to use the militia in distant operations, to tolerate short terms of enlistment, and to send peace commissioners to Europe.

CHAPTER IV

COURTS, BOUNDARIES, LAND DISPUTES, INDIAN REMOVAL, LOCATING THE CAPITAL

For a generation after the election of 1800 interest in party history was eclipsed by social, economic, and institutional problems. Currency and finance, improvement of transportation, an increasing demand for public schools, agitation of constitutional reform, adjustment of land and boundary disputes, the removal of the Cherokee Indians, rounding out the judicial system,—these questions marked the rise of new interests, and some of them proved to be the basis for a new epoch in party organization and development.

Among the first tasks after the Revolution was the adjustment of the court system. During the colonial period the control of the judiciary was the subject of controversy between the Crown and the Assembly. The Constitution of 1776 marked the victory of popular control, for it vested in the legislature the election of judges and their salaries, also their impeachment, and the erection of courts. In 1777 a court law was enacted. It divided the state into six districts, in each of which a court was to be held twice a year at six court towns,—Wilmington, Newbern, Edenton, Halifax, Hillsboro, and Salisbury. In 1782 sessions of court were also ordered for Morganton, and in 1787 for Fayetteville. The number of judges was three, one of whom might hear all cases except demurrers, cases agreed, special verdicts, bills of exception, and motions in arrest of judgment, which could be heard only by two or more judges. An attorney-general, like the judges elected by the legislature, represented the state in criminal matters. Below these circuit courts were courts of pleas and quarter sessions, held by the justices of the peace in each county, and also the court of one justice,—all inherited from

the colonial period. In such a system, especially in the superior courts, there were many defects. The limitation of sessions to the court towns worked a hardship on suitors and witnesses, who often had to travel long distances. The number of judges was too small, resulting in conjested dockets. The judges were also dictatorial, often browbeating witnesses and judges. On the other hand, the judges were not protected from the enmity of the legislature, for although they could not be removed during good behavior, their salary might be reduced. Another defect was the absence of any system of appeals.

The movement for reform began in 1790 when an additional judgeship was created; another was created in 1798, and in 1806 the number of judges was increased to six. For administrative purposes the circuits were grouped into two ridings in 1790, the eastern riding including the districts of Halifax, Edenton, Newbern, and Wilmington; the western including Morganton, Salisbury, Fayetteville, and Hillsboro. In each riding two judges were to hold court, but one in each riding was to exchange circuit with one of another riding after each session. In 1806 the number of ridings was increased to six. To expedite justice the office of solicitor-general was also created in 1790, whose powers were identical with those of the attorney-general. A more important change, one in keeping with the democratic spirit of the times, was made in 1806, by ordering a session of the superior court for each county twice a year. Justice was thus brought closer to the people, the lawyers had to seek clients in each county instead of clients making long journeys to the old court towns. The fees of attorneys and court officers were also reduced to the level of those in the county courts. These reforms were bitterly criticized by lawyers, court officials, and the interests identified with the old court towns. In Hillsboro the representatives of Orange County were dined and toasted as "a testimonial of the high approbation of the firm and patriotic opposition which they made to the adoption of the new judiciary system."[1] Some lawyers and court of-

[1] Hoyt, Papers of Archibald DeBow Murphey, I, p. 8, n.

ficials, disgusted with the "apparent restless and destructive spirit of innovation," left the state. Among them was John Haywood, later known as one of the historians of Tennessee. In the meantime judges were forbidden to express an opinion as to facts presented in 1796, but not until 1835 was the reduction of their salaries forbidden during continuance in office.

The greatest reform was the creation of a Supreme Court with the right to hear appeals from the superior courts. This came as a climax to attempts to relieve conjested dockets. The cause of the congestion was not entirely the small number of judges, but also differences of opinion among them. Illustrative was the case of *Winstead vs. Winstead,* the question being whether levy and sale on the land of the husband after death divested the widow of dower rights. One judge failed to file his opinion, and the case was thereupon argued before two other judges. One of these deferred his opinion. Later Judge Williams again sat on the case, but as he had changed his mind, there was another disagreement and the case was finally stricken from the docket without decision. Hence in 1799, on account of the inconveniences and delays "from the want of a speedy and uniform decision for all questions of law or equity arising in the circuit," due to differences of opinion among the judges or desire for further consideration, or lack of sufficient judges, the judges were ordered to meet twice a year at Raleigh in June and December for a period of two years to decide cases disagreed on or those which one judge was unwilling to decide by himself. An interesting feature connected with the law was the trial of James Glasgow, Secretary of State since 1776. Temptation proved too strong for him, and in 1797 it was disclosed that he had issued fraudulent warrants for land in Tennessee and the mountain section of North Carolina. His trial was committed by the legislature to a special term of court at Raleigh, and he was convicted. Interesting incidents of the prosecution were that the defendant's counsel was John Haywood, author of the new court law, and an attempt to steal valuable documents in the comptroller's office by a faithful

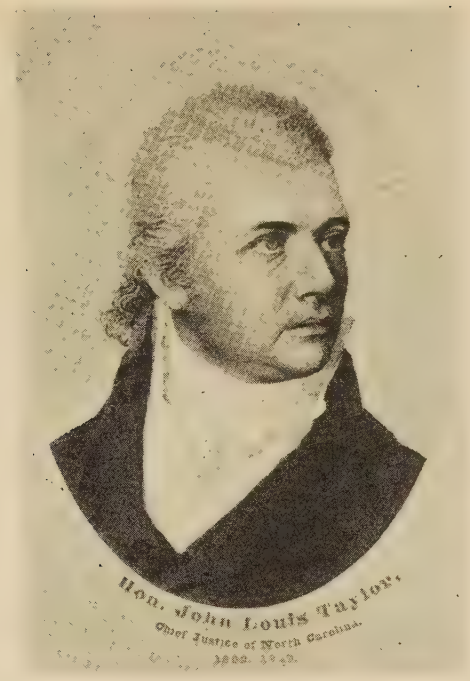
slave of Glasgow, who was killed while breaking into the building.

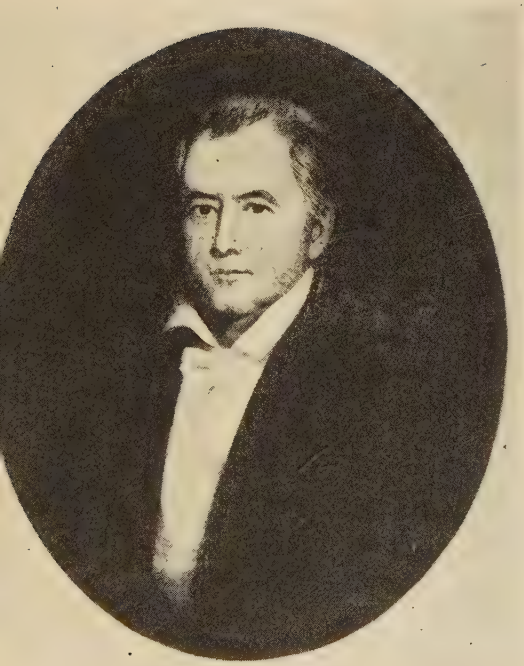
In 1801 the special sessions at Raleigh were continued for three years and were dignified with the title Court of Conference. Attorneys were also forbidden to appear before it. In 1804 the Court of Conference was made permanent, and the next year its name was changed to Supreme Court. In 1810 the judges were authorized to elect one of their number Chief Justice, and the scope of litigation was widened by allowing appeals, in which the attorney-general should represent the state. There were still limitations and difficulties. The work of the judges on the circuits increased, making it difficult to have a full meeting of the Supreme Court. It also seemed unfair to require or allow a judge to be a member of a court which heard appeals from his own decisions while on the circuit. Moreover, suits themselves were never transferred from the superior courts to the Supreme Court, but only questions of law arising from them; often after one of these had been raised and settled, new viewpoints were discovered, thus resulting in delay of justice. Also the salaries did not make judgeships attractive to the abler lawyers. There was, too, a need of a more specialized knowledge of the law, notably in the domain of equity. Concerning the latter defect, Governor Miller was especially emphatic. "The daily delay attendant on a suit of equity," he wrote, "is proverbial and amounts to an almost total denial of justice. The trial of such a suit approaches near to novelty in our judicial proceedings, as every man who has been so unfortunate as to be engaged in a contest of this kind, or who has been in the least conversant with our courts, can very well attest." Reform in 1818 was sought by a reorganization of the Supreme Court. By a statute of that year the tribunal was to consist of three judges elected by the legislature who should give exclusive attention to the court, should hold two sessions a year at Raleigh, hear appeals only after decisions of the superior courts had been rendered, and review the entire case instead of questions of law. The judges should also hold court day after day until all appeals were decided. Equity proceedings were to be instituted directly before the Supreme Court, for

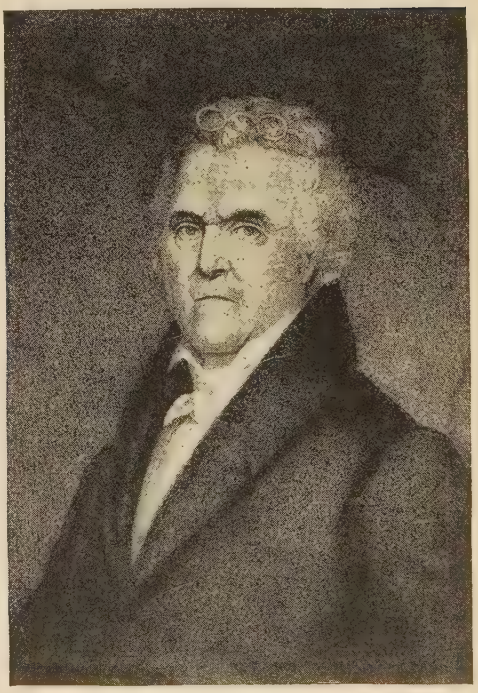
which it was a distinct court of equity. Thus justice was made more swift and more efficient.

The reorganization of 1818 was not without opposition. The salary of the justices ($2,500) was higher than that of the circuit judges and even that of the governor. The tradition of close contact between members of the Supreme Court and the people while the judges were on the circuit was violated. Apparently the tribunal of last resort was in no way responsible to public opinion. Consequently for a number of years there were efforts to reduce the salaries of the judges and to restore the Supreme Court as it existed prior to 1818. An important influence in preventing a reversion to the old system was the election of William Gaston to the bench in 1833, when opposition to the court was strong and threatened a victory. Gaston was author of the law creating the court; he was also a Catholic, and as such was apparently debarred by the Constitution from holding office of trust; yet his character and great services raised him above partisan prejudice, and after his election the opposition to the Court is lost sight of. In 1842 as a concession to the more distant western counties a session of the Court was established at Morganton. The wisdom of the reorganization was soon manifest. The state was fortunate in the choice of judges. Their decisions not only refined justice in North Carolina, but brought respect and prestige throughout the land, and the Court prior to 1860 enjoyed unusual distinction.

Less vital than the court system, but likewise productive of controversy, was the completion of the state's boundaries. In 1803 commissioners were appointed by the legislature to continue the South Carolina line, on which no surveys had been made since 1772. The commissioners met similar officials from South Carolina at Columbia and in 1808 recommended that the lines of 1735 and 1746 be accepted as far as the Salisbury and Charleston road, at which point a divergence be made to the southeast corner of the Catawba lands, which should be followed as far as the Catawba River, thence along the river to its forks, thence westward along the line of 1772, and from its terminus westward along the parallel 35 degrees. This report was adopted, but in 1813 on ac-







SUPREME COURT, 1818

John Louis Taylor, Chief Justice

John Hall, Associate Justice

Leonard Henderson, Associate Justice; Chief Justice, 1829

count of difficulties in establishing an accurate survey, the boundary west of the line of 1772 was directed to run to a ridge dividing the north forks of the Saluda and Pacolet rivers, thence to another ridge dividing the Saluda and Green rivers, thence to the main ridge "dividing the eastern and western waters," following it to the Cherokee Boundary of 1797, thence to the east bank of the Chatooga River. The report of the commission establishing such a line, was confirmed in 1815, with a few variations.

While negotiations with South Carolina were in course, a controversy arose over the Georgia boundary. Its immediate cause was the disposition of a strip of land approximately twelve miles wide and two hundred long, just south of the parallel 35 degrees, which is also the boundary between North Carolina, South Carolina, and Georgia. Originally a part of South Carolina, the territory in question was ceded to Congress, but in 1802 the United States ceded to Georgia that part along the Georgia frontier. In the newly acquired district Georgia organized the County of Walton; but the northern boundary, the line 35 degrees, had never been surveyed. Consequently North Carolina and Georgia issued conflicting land grants, resulting in much disorder and violence. In 1806 Georgia appealed to Congress to establish the line between North Carolina and Georgia. As the North Carolina congressmen opposed the request, no action was taken. The next year both states agreed to a survey and appointed a joint boundary commission. The surveyors employed were Dr. Joseph Caldwell for North Carolina and Joseph Meigs for Georgia. They found that the supposed location of the line 35° as claimed by Georgia was in reality 35°22′32″, or twenty-two miles within North Carolina territory. Observations were made to find the correct latitude, the most successful experiment being on Caesar's Head Mountain. The commissioners reached an agreement. Their report was accepted by North Carolina, but Georgia rejected it and again appealed to Congress. An examination of the controversy was made by a congressional committee. The trend of opinion was so strongly favorable to North Carolina

that Georgia yielded to public opinion and dropped the contest.

Another boundary productive of dispute was that between North Carolina and Tennessee. According to the act of cession, enacted in 1789, the line was to follow the high mountain ranges between Stone Mountain on the Virginia border and the Georgia boundary. In 1795 a joint commission established the line from the Virginia border to a point on the Catalouchee turnpike as it crossed the Great Iron or Smoky Mountain, a distance of 151 miles, the survey being halted at that point on account of uncertainties regarding the Cherokee lands. In 1819 another joint commission undertook the completion of the line. The act of cession directed the boundary beyond the Iron or Smoky Mountain as follows: "Hence along highest ridge of said mountain to the place where it is called Great Iron or Smoky Mountain, thence along the extreme height of said mountain to the place where it is called Unicoe or Unake Mountain, between the towns of Cowee and Old Chatta; thence along the main ridge of said mountain to the southern boundary of this state." The commission surveyed and marked the line in accordance with this instruction, and its report was ratified by the legislatures of Tennessee and North Carolina. However no settlements were made until the removal of the Cherokee Indians in 1836. Then Tennessee organized the Ocee District and issued land grants, and North Carolina also began to issue grants after 1852. When the policy of issuing grants was adopted, the markings on Smoky Mountain had become well-nigh obliterated. Southwest of the Tennessee River the mountain for a distance of eight miles breaks into a number of ridges, the chief of which are Hangover on the east and Big Fodder Stack on the west. Then the ridges unite, but at County Corner, a few miles further south, a similar division occurs between State Ridge on the west and McDaniel Bald on the east. Both Tennessee and North Carolina issued conflicting grants for land between these ridges. Private suits resulted in decisions by the Federal District Court in 1900 and 1902 favorable to North Carolina grants. To obviate future difficulties, the State of North Carolina brought suit against the

State of Tennessee in the Supreme Court of the United States and the decision, which was rendered in 1914, upheld the claim of North Carolina to the disputed territory.

A controversy with Tennessee involving far greater stakes than the adjustment of the boundary line arose over the validity of land warrants. The background of the dispute was the land policy of North Carolina. In 1780 and 1783 a large tract known as the Military Reservation was set aside to meet the bounties offered the North Carolina soldiers in the Continental Line. Its boundary began at the intersection of Cumberland River and the Virginia line, ran south fifty-five miles, thence west to the Tennessee River, along that stream to the Virginia line, thence east to the point of departure. In 1783 a land office was opened in Nashville to consider the claims of soldiers. When the territory west of the mountains was ceded in 1789, the land claims of the soldiers were distinctly protected; the act of cession provided that "lands laid off or directed to be laid off" should enure to the use and benefit of the claimant, and in case the Military Reservation was not large enough to satisfy all claims, warrants should be issued for other unappropriated lands in the territory ceded, and the governor of North Carolina should have the right to perfect titles claimed under entries not previously perfected by grant or otherwise. The time set by North Carolina for completing surveys and securing grants was 1792; but the date was extended, although the right of extension was not mentioned in the act of cession. Tennessee naturally became restive, since sovereignty over lands within her boundaries was a matter of economic and political importance. In 1799 the Tennessee legislature declared the State of Tennessee sovereign over all ungranted land on the ground that title was transferred to Tennessee on admission to the Union. This act was immediately superseded, but in 1801 a state land office was opened; prior entries, grants, and warrants of North Carolina origin were validated, but every act toward surveying or marking land under title from North Carolina was subjected to a penalty of $5,000, and all grants of such origin were excluded from the Tennessee courts. Soon after a commission was appointed to confer with the North Caro-

lina authorities, and in 1803 an agreement was reached by which Tennessee was to perfect titles to claims which were passed upon by North Carolina, provided the consent of Congress could be secured, which was essential on account of the vast amount of public land in Tennessee.

In 1806 came the reply of Congress. It was the cession to Tennessee of all public lands east and north of a line extending from the intersection of Elk River with the Tennessee-Alabama line, thence north to the main branch of Duck River, down that stream along the North Carolina Military Reservation to the Tennessee River, and along that stream to the Virginia line. This boundary was known as the Congressional Reservation Line. East of it lay the North Carolina Military Reservation, but restrictions in the North Carolina act of cession as to land grants were specifically guaranteed, for the act of Congress stated that entries, rights of location, and warrants of North Carolina origin not located west of the Congressional Line on February 1, 1790, should be located east of it on Tennessee lands. Within a few years, when all the lands in the Military Reservation had been entered, North Carolina began to satisfy remaining claimants by grants south and west of the Congressional Line. Apparently this was a violation of the agreement of 1803, but North Carolina claimed it was not in force, as it was not confirmed by the Congressional Act of 1806 except with conditions which were destructive of the rights of the state. Tennessee retaliated by imposing fines on any attempt to carry out the North Carolina policy. In 1815 North Carolina memorialized Congress, and in 1818 Congress authorized Tennessee to issue grants and perfect titles east or west of the Congressional Line. In the same year the Chickasaw Indians who lived west of the line were removed, and Congress authorized Tennessee to satisfy North Carolina claimants in the Chickasaw District. The following year a commission was appointed to examine and pass on all North Carolina claims. A host of claims were filed; it was estimated that 4,000,000 acres had been granted before the act of cession, and by 1838 more than 8,000,000 more had been granted to North Carolina soldiers. This was more than one-half the total

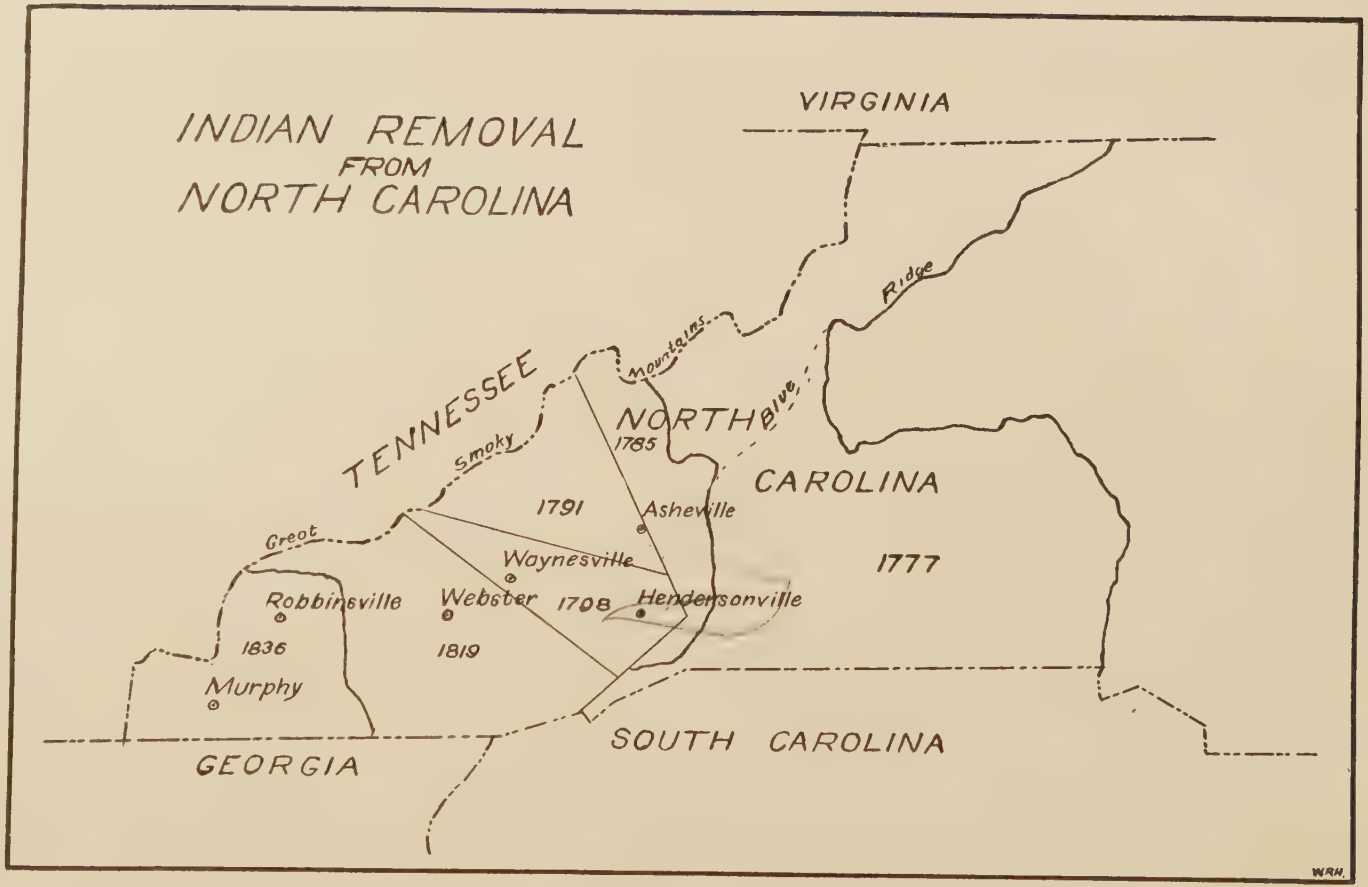
area of Tennessee. Alarmed at the number of unrecompensed military heroes, Tennessee fixed October, 1822, as the final date to file claims, but the time was extended until 1838, at which date it was estimated that the remaining unsatisfied claims amounted to 60,000 acres.

The principal beneficiary of these transactions was the University of North Carolina. By gifts of Benjamin Smith and Charles Gerrard, it received warrants for 33,920 acres; by a resolution of the legislature in 1821, 14,724 acres were also received, and likewise by right of escheat the right to warrants of all soldiers dying intestate. Soon after the compromise of 1819 the institution decided to press its claims. An agent was employed to search out escheated warrants on a 50 per cent commission and Archibald DeBow Murphey and James H. Bryan were appointed commissioners to represent the University in Tennessee. The Tennessee legislature, alarmed at the probable magnitude of the escheated claims, in 1821 stayed the issue of grants. A compromise was reached by Felix Grundy on behalf of Tennessee and the University's representatives, by which the University was to cede to East Tennessee College (later the University of Tennessee) 20,000 acres and to West Tennessee College (later the University of Nashville) 40,000 acres. The total amount realized by the University after the cost of controversy and litigation was 100,973 acres, the sale of which realized approximately $200,000.

In the meantime a genuine expansion of territory was taking place through the removal of the Cherokee Indians. At the close of the Revolution the Cherokees still occupied all the land now in the bounds of the state west of the Blue Ridge excepting the territory northeast of a line approximately halfway between Asheville and Burnsville, which had been ceded by the Indians to the state in 1777. The further elimination of the Indians became a function of the Federal Government after the adoption of the Articles of Confederation. In 1785 by the Treaty of Hopewell considerable territory west of the Great Smokies, and also a large tract in the French Broad region, were ceded. To this was added in 1791 a triangle extending west and northwest of Asheville to the Clinch River,

and in 1798 another triangular strip in the region of Hendersonville and Waynesville. In 1819 about half of the remaining lands occupied by the Cherokees were ceded, and in 1835 a last cession, including all the land the Cherokees then occupied, was negotiated.

Contemporary with the policy of removal was the rise of the national spirit among the Cherokees. After the treaty of 1819 the Indians who remained adopted a republican form of government and a written constitution, their capital being located at New Echota, Georgia. By 1835 there were 3,644 Cherokees in North Carolina. The treaty of that year provided that a limited number of Indians might remain and become citizens of the United States, but this clause was stricken out by President Jackson. There now followed a sad and pathetic chapter of Indian history. Although practically all the Cherokees protested against the removal treaty of 1835, an army of 7,000 men was sent to enforce the treaty. Forts or stockades for collecting the Indians were erected, among which were Fort Montgomery near Robbinsville, Fort Hambric at the present site of Hayesville, Fort Delaney at Old Valleytown, and Fort Butler at Murphy. Against concentration and removal there was resistance. Leadership was taken by Old Man Tsali (Charley). He, his brother, his three sons and their families were arrested and taken to a stockade at the junction of the Tuckaseegee and Little Tennessee rivers. There they fell upon their captors, killed four of them, and made their escape. General Scott, convinced that the escaped Indians could not be recaptured by the whites, and also fearing their influence, offered a compromise by which Utsali, Chief of the Cherokees, and 1,000 of his followers might remain in North Carolina provided Old Man Tsali was delivered up. Either by voluntary action or seizure by Utsali, Tsali was secured and executed. Official documents in confirmation of the compromise do not exist; but many Indians were allowed to remain and in 1846 their rights were recognized by treaty, an annual allowance of $3.20 per capita being granted. To protect their rights William H. Thomas was appointed Indian Agent. For them he purchased five towns, Bird-town, Paint-town, Wolf-town, Yellow-hill, and Big Cove.


INDIAN REMOVAL
FROM
NORTH CAROLINA
VIRGINIA
TENNESSEE
Smoky
Mountains
NORTH
1785
Blue
Ridge
CAROLINA
1791
Asheville
Great
Waynesville
1777
Robbinsville
Webster
1708
Hendersonville
1836
1819
Murphy
GEORGIA
SOUTH CAROLINA
WRH

In these the Indians lived a civilized life with a constitution framed for them by Thomas. Charles Lanman in 1848 made the following comment on Cherokee life:

> About three-fourths of the entire population can read in their own language, and, though the majority of them understand English, a very few can speak the language. They practice, to a considerable extent, the science of agriculture, and have acquired such a knowledge of the mechanic arts as answers them for all ordinary purposes, for they manufacture their own clothing, their own plows, and other farming utensils, their own axes, and even their own guns. Their women are no longer treated as slaves, but as equals; the men labor in the fields and their wives are devoted entirely to household employments. They keep the same domestic animals that are kept by their white neighbors, and cultivate all the common grains of the country. They are probably as temperate as any other class of people on the face of the earth, honest in their business intercourse, moral in their thoughts, words, and deeds, and distinguished for their faithfulness in performing the duties of religion. They are chiefly Methodists and Baptists, and have regularly ordained ministers who preach to them on every Sabbath, and they have also abandoned many of their more senseless superstitions. They have their own court and try their criminals by a regular jury. Their judges and lawyers are chosen from among themselves. They keep in order the public roads leading through their settlement. By a law of the state they have a right to vote, but seldom exercise that right, as they do not like the idea of being identified with any of the political parties. Excepting on festive days they dress after the manner of the white man, but far more picturesquely. They live in small log houses of their own construction, and have everything they need or desire in the way of food. They are, in fact, the happiest community I have yet met with in this southern country.[1]

In 1862 Washington Morgan was sent by Gen. Kirby Smith to enlist the Cherokees in the Confederate cause, but Colonel Thomas persuaded them to join a Legion under his command. About 400 responded, and were used as scouts and home guards. They participated in a number of minor battles, notably at Baptist Gap, Tennessee, in September, 1862. The Confederate Government made the same financial allowance for the Indians as the Federal Government had made. After the war, in 1868, the Cherokees adopted a constitution at Cheowee, Graham County. Titles to land amounting to 50,000 acres were established by litigation, and in 1875 the Department of Indian Affairs assumed guardianship.

[1] Letters from the Alleghany Mountains, p. 94.

In 1889 the Eastern Band of Cherokees was incorporated under the laws of North Carolina "with all the rights, franchises, privileges and powers incident and belonging to corporations under the laws of the State of North Carolina."

Of antiquarian interest, and also reflecting the rise of a sense of patriotic pride, was the process of locating the capital, constructing the state house, and the contract for a statue of Washington. In 1779 the legislature appointed a committee to select a location in Johnston, Wake or Chatham counties for a permanent capital. In 1781 choice was fixed on Hillsboro and the public building at Newbern was ordered to be sold. However in the summer of 1781 David Fanning and his band of loyalists raided Hillsboro and captured Governor Burke and other state officials. Hillsboro was now too near the centre of military operations for safety, and at the next session of the legislature the resolution making it the capital was rescinded. During the next few years sessions of the legislature were held at Halifax, Tarboro, Smithfield, Fayetteville, Newbern, Salem and Wake Courthouse. The Hillsboro Convention of 1788, along with the consideration of the Federal Constitution, was authorized to "fix on the place of an unalterable seat of government." So pressing was the other business of the convention that the details of location were left to the legislature with the general direction that the capital be located within ten miles of a place chosen by the convention. Balloting for the locality was then undertaken. The competing sites were Tarboro, Smithfield, Fayetteville, Newbern, Hillsboro, the fork of the Haw and Deep rivers, and the Hunter plantation in Wake County. On the third ballot the Wake County location received a majority of the votes. But not until 1791 did the legislature undertake to carry out the mandate of the convention. Then a commission was appointed to purchase land and lay off a capital city. The commission met late in March, 1792, and after a week's investigation decided on the Joel Lane plantation. In April a deed was procured for 1,000 acres for which the state paid £1,378, North Carolina currency, equivalent on face value to $3,445. Plans for a city were drawn up, surveys were made, and at the next session of the legislature the work of the commission

THE FIRST STATE HOUSE, BURNED IN 1831
From a rare old painting in the Hall of History at Raleigh

W. G. Randall, 1900

RESIDENCE OF JOEL LANE

was confirmed and the name Raleigh was given the projected city. Sometime in 1792 the cornerstone of a state house was laid in Union Square; two years later the building was completed, being constructed of brick and having a dome, a rotunda, and broad hallways. Between 1819 and 1822 porticoes were built and a coat of stucco was added.

In the meantime a sense of public spirit pervaded the legislature of 1815, and a resolution was adopted instructing the governor to "purchase on behalf of the State a full length statue of General Washington." No limitation was set on the price, and after prolonged correspondence on the part of Governor Miller, it was decided to follow the advice of Thomas Jefferson and to place the contract with the Italian artist Canova, and that he should be guided as far as possible by Cerrachi's bust of Washington. In 1821 the work was completed, for which the artist received $10,000. The statue was sent to America on board the United States Ship *Columbus*. It was landed at Boston, transhipped by a coast wise vessel to Wilmington, thence up the Cape Fear River by boat to Fayetteville, and across country from Fayetteville to Raleigh, arriving at destination on December 24th.

Ten years later the Canova statue was practically destroyed in a fire which consumed the state house. A new capitol had to be built. After delay due to sectional rivalry and the question of constitutional reform, $50,000 were appropriated for the work in November, 1832. The next year $75,000 were appropriated, and in 1834 supervision of the structure was given to David Paton, a Scotch architect then residing in New York. Under his direction the existing splendid edifice was really planned and constructed, the work being completed in 1840 at a total cost of $530,000.

CHAPTER V

SOCIAL AND ECONOMIC CONDITIONS, 1800-1836

The Fund for Internal Improvements—The Agricultural Fund—The Literary Fund

For over three decades after 1800 adverse criticism of social and economic conditions characterized all descriptions of life in North Carolina. A conviction of stagnation and decline rather than progress impressed those who had at heart the public welfare. For the justification of this feeling a few statistics are ample evidence. When North Carolina entered the Federal Union in 1789, it ranked third among the states in population; from 1800 to 1820, it stood fourth; by 1830 it had dropped to fifth. From 1790 to 1830 the slave population showed a greater percentage of increase than the white. Land valuation in 1833 showed a decline compared with that of 1815, although more acres were entered. Textile products as late as 1810 surpassed those of Massachusetts, but by 1830 the industrial revolution in the latter state gave it precedence by a wide margin, while agriculture overshadowed all other economic activities in North Carolina. Thousands left the state to find new homes in the Northwest or in other parts of the South.

Among the influences contributing to this situation was that of trade and commerce. Easy exchange of domestic products was impossible; in fact, the North Carolina farmers and merchants were to a large extent dependant on distant markets. Trade relations were determined by geography. Nature divides the state into three distinct sections. First, extending from the coast inland about 100 miles is an undulating, nearly level plane, which embraces two-fifths of the state's total area. Along the western border of this plain runs a

granite ledge which marks the fall line of the eastern rivers; extending beyond for 200 miles is a wide table land, rising from a low altitude in the east to 1,500 feet at the foot of the Blue Ridge. Further westward, between the Blue Ridge and the Great Smokies, lies a mountain plateau.

This sectionalism of nature was reinforced by racial and economic influences. The eastern belt was colonized mainly by Englishmen from the other colonies who sought better land in the alluvial valleys of tidewater Carolina. Gradually an extensive agricultural life, based on slave labor, developed. The middle and western belts were settled mainly by Scotch-Irish and Germans who migrated from Pennsylvania or from South Carolina. There the slave system developed much more slowly than in the eastern belt. The manufacturing impulse was strongly in evidence. Hats were made of various material. Hides were tanned, the state ranking fourth in the number of tanneries in 1810. Other products were wagons and farm implements for which iron was secured from bloomeries. The surplus grain was distilled and North Carolina liquors were known far and wide in the South. Each family also had its own loom, wheel, and cards. The mountain section, between the Blue Ridge and the Great Smokies, was in a more primitive condition than the other sections. Its development was interwoven with the removal of the Cherokee Indians, consummated by a series of treaties between 1777 and 1835. Its industrial life resembled that of the piedmont plateau.

Now the economic development of these distinct sections was checked by the condition of transportation and trade. There was no market within the state at which staples could be exchanged or the products of other states procured. This fact is explained by the river systems. Of the large streams which reach the ocean, only the Cape Fear empties directly into the Atlantic; but the sand bars obstruct its mouth, and beyond these lie the southernmost part of Smith's Island, known as Cape Fear, and Frying Pan Shoals. "Together these stand for warning and for woe; and together they catch the long majestic roll of the Atlantic as it sweeps through a thousand miles of grandeur and power from the Arctic

towards the Gulf. It is the playground of billows and tempests, the kingdom of silence and awe, disturbed by no sound save the sea-gulls' shriek and the breakers' roar. Imagination cannot adorn it. Romance cannot hallow it. Local pride cannot soften it. There it stands today, bleak and threatening and pitiless."[1] Hence Wilmington never developed a trade commensurate with the resources of the southeastern part of the state. The other navigable rivers of the east, the Roanoke, the Tar, and the Neuse, reach the ocean through Ocracoke Inlet, which is too shallow to float any except small craft, and the danger of wreckage was so great as to make the cost of lighterage and insurance very high. Consequently the important trading centers of Eastern Carolina were Petersburg and Norfolk, Virginia. Long distances and poor roads to these places helped to make prices high. Illustrative of the hardship imposed on commerce is a report to the legislature in 1827 by citizens of Northeastern Carolina:

> Your memorialists believe that the annual exports of the products of our country through Ocracoke were not overrated when estimated at five millions of dollars, requiring for their transportation and actually employing two hundred thousand tons of shipping. They find, from calculations carefully made and compared, that the charge on these vessels for lighterage and detention at the Swash, averages one dollar per ton, and amounts annually to two hundred thousand dollars; that the additional rate of insurance, because of the risk of detention at the Swash averages three-quarters of one per cent, and amounts, on the exports and imports, to seventy-five thousand dollars, and on the vessels, to sixty thousand dollars per annum. This annual tax of three hundred and thirty-five thousand dollars upon the navigation of our section of the country, independently of the minor evils, the vexations and difficulties of which will readily be perceived, cannot but enhance the rate of freight or the cost of conveyance to market. The price of freight from Norfolk and Wilmington to the West Indies is from twenty to twenty-five per cent less than from the ports dependent on Ocracoke Inlet; which difference on bulky articles, such as lumber, staves and shingles, amounts to thirty and forty per cent of their original value. The freight and charges on articles shipped coast wise for reshipment to their places of consumption, amount, on naval stores, to twenty-five per cent, on cotton, to between ten and fifteen per cent, and on staves, to fifty per cent of their original value.[2]

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[1] Davis, Early Settlement of the Cape Fear.

[2] Quoted from Report of the Board of Internal Improvements, 1833.

However, the section which suffered most on account of its trade routes was the west, the region extending from the eastern fall line to the Tennessee boundary. The general course of its larger rivers is southeast, the Yadkin and Catawba flowing into South Carolina while the swift mountain streams empty into the Tennessee or the Ohio. Trade routes therefore led to Charleston or Greenville, South Carolina, Augusta, Georgia, Knoxville, Tennessee, or even Philadelphia. The long journeys to these markets were made in schooner wagons. Whiskey, distilled from the surplus corn crop, was peddled on the way or exchanged for manufactured articles. The high cost of some of the necessities of life is illustrated by the price of salt, which was $1.50 per bushel in Iredell, a western county, about $1 above the market price at tidewater. Worst of all, in case of crop shortage in one section, there was no good route by which staples could be imported from another part of the state or abroad, and actual suffering often ensued. Thus in 1826 a crop failure in Eastern Carolina drove the price of corn to $7, and that of flour to $8 per barrel, and subscriptions for relief of the suffering people were opened.[3] Twenty years later a similar crop failure occurred in the western counties; there was a plentiful harvest in the east, but no means of cheap and easy transportation.

The conditions here outlined had an important bearing upon the conduct of business. Writing in 1819 Murphey said:

"Having no commercial city in which the staples of our soil can be exchanged for foreign merchandise, our Merchants purchase their goods and contract their debts in Charleston, Petersburg, Baltimore, Philadelphia, and New York. Part of these debts are discharged by shipments of produce; the balance in cash. Once in every year the state is literally drained of its money to pay debts abroad. Our Banks not being able to do as extensive business by Bank credits as is

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[3] *Niles' Register,* Aug. 26, 1826. In 1825 corn worth 44 or 46 cts. per bushel in Baltimore brought $1.25 in Wilmington, and flour worth $4.75 in Baltimore brought $8.00 in Raleigh. Ibid., July 23, 1825.

done in large commercial cities, are compelled to issue and throw into circulation their notes to meet the demands of commerce. These notes collected in immense numbers in other States are returned upon our Banks for specie; and the Banks are compelled not only to curtail their discounts and press their dealers that they may call in their notes; but upon emergencies to suspend specie payment. The consequence is that their notes depreciate, and merchants having to make remittances to other States, sustain the most serious losses."[4]

Equally serious was the effect of trade conditions on the development of public spirit. Separated from one another, the people of each section viewed all state problems from the angle of self-interest. Said the Board of Internal Improvements in 1833:

"The citizens of the west are familiar with the laws, the institutions, the politics and the towns of Tennessee, of South Carolina and Georgia. A few of them have visited New York and other eastern cities; but the individual is rare who possesses any accurate information with respect to Wilmington or Newbern. On our northeastern border, Virginia is much more extensively known to our citizens than the state which should be the object of their affection; and on the south, an extensive intercourse with Augusta, Savannah, and Charleston transfers to those towns the attachments which should center at home. He was wiser than man who said, 'Where our treasure is, there will our heart be also.' No one who reflects for a moment on these facts, can be at a loss to discover the source of the sectional feelings and jealousies which have so long distracted our public councils and retarded our prosperity."

Closely related with trade and commercial conditions was the state of agriculture. Long distance to markets reduced profits and made the prices of manufactured goods high. Equally important were wasteful methods of tillage and the neglect of soil improvement. In primitive times vast forests stretched in every direction; trees, when they died and fell,

[4] Memoir on Internal Improvements.

made a deposit of rich vegetable matter, furnishing a natural nourishment for seed. The white immigrants selected the most promising spots, cleared the timber, loosened the soil, and raised abundant crops. Then as the natural fertility was exhausted, the land was abandoned for a new tract that was likewise deforested and brought under cultivation. Wrote a critic of agricultural methods in 1822:

"This process has been going on till most of the tracts whose situation and soil were most favorable to agriculture, have been converted into old fields, and in our search after fresh ground to open, we are driven to seek inferior ridge land, such as our ancestors would have passed by as not worth cultivating. * * * But the time has not come, or is not far distant, when our old fields must be again brought under cultivation." [5]

Among the by-products of this agricultural condition, two were preëminent. One was speculation, the result of the ever present desire for new virgin lands. It was estimated in 1833 that nine-tenths of the farmers were anxious to sell their landed property. The other was a steady flow of population to other states in search of new homes. "Go in any neighborhood," reported a legislative committee in 1833, "and inquire of the seniors or heads of families, how many children they have raised, and in what state they do reside, and in nine cases out of ten, the answer will be, 'I have raised some six or eight children; but the major portion of them have migrated to some other state,' and adds the parent, 'I am anxious to sell my land, to enable me to follow them.'" [6] Agriculturally, North Carolina before 1830 well deserved its reputation as the "Ireland of America."

Another influence which retarded progress was ignorance. Illiteracy hung like a pall over all sections of the state. In 1810 Jeremiah Battle wrote that two-thirds of the people in Edgecombe County could read, but only one-half the males and one-third of the women could write.[7] "It is a notorious

[5] Mitchell, Agricultural Speculations.

[6] Committee on Internal Improvements.

[7] See Coon, Documentary Hist. of Public Education in N. C., I, p. 68.

fact," wrote an Edgecombe citizen in 1824, "that many of our farmers of wealth and character, nay, even many of our instructors and clergy, are notoriously deficient in Orthography, and Reading and Writing, and the commonest rules of vulgar arithmetic."[8] In 1838 a Presbyterian minister estimated that "we have probably 120 thousand children between the ages 5 and 15 years, who are destitute of common school education."[9] In the same year a legislative report on education pointed out "that those who have mixed much with the people of our State know that there is an average of nearly half of every family, who have received no education and who are as yet unprovided with the means of learning even to read and write."[10] In 1825 a writer in the *Western Carolinian* declared that the "dullness and incapacity which is permitted to enter our legislative hall, and disgrace us even in the national representation, and our former tame subserviency to the interest of another State, evince most unequivocally the mental debasement of a large portion of our population."[11] Toward education there was apathy, even hostility, among the masses. "I have been placed in circumstances, and there are few I fear who have not been similarly situated," wrote Dr. Joseph Caldwell, President of the University, in 1832, "where it would be dangerous to the election of a candidate to have it thought that he had any pretensions to information or culture, at least beyond a bare capacity to read. And some miserable being, to secure the great object of his ambition, has frontlessly presented it as a sure and glorious passport to success over the head of a rival, who was so unfortunate as to have had some education, that he belonged to the class of the ignorant, with whom the greater part considered it their glory to be ranked."[12]

Academies existed; evidently they did not to any extent reach the masses. Consequently the only remedy for illiter-

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[8] Coon. op. cit., I, p. 244.
[9] Ibid, II, 813.
[10] Ibid, II, 862.
[11] Ibid, I, 252.
[12] Letters on Popular Education.

acy was to establish schools supported by the state to which all children would be admitted. Sentiment for such a policy dates from the later colonial period. As early as 1754 £6,000 in bills of credit were emitted for the foundation of "a public school or seminary" to which George Vaughn, a London merchant, agreed to contribute £1,000 per annum. However, during the crisis of the French and Indian war the money voted was used for military purposes and after the end of the conflict it was not restored. Governor Dobbs advised the British Government to allow a reissue of bills of credit for that purpose, without results. The first victory for the ideal of public education was attained in the Constitution of 1776, which declared in article 41 that "a school or schools shall be established by the Legislature, for the convenient instruction of youth, with such salaries to the masters, paid by the public, as may enable them to instruct at low prices, and all useful learning shall be duly encouraged, and promoted, in one or more universities." This article was taken *verbatim* from the Constitution of Pennsylvania. In partial fulfillment of its provisions the University of North Carolina was founded in 1795, but for over a generation no action was taken for establishing schools of lower rank.

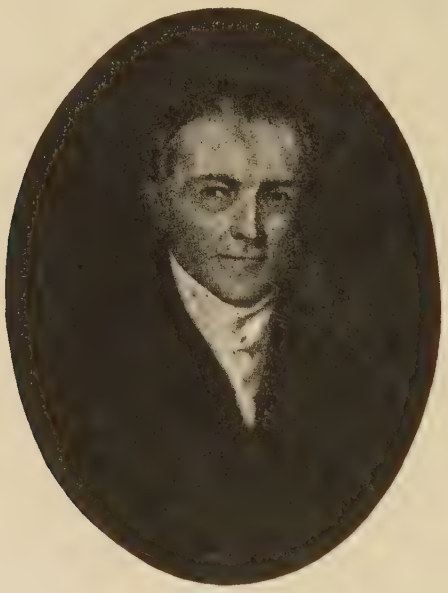
The failure to carry out the mandate for elementary education was due to many causes. One was its vague and uncertain terms. Some interpreted it to mean the creation of public schools by the legislature, others that its intent was to lend aid to existing academies or to charter new ones. Indeed many academies were chartered, but bills to extend state aid to them were always defeated. Another hostile influence was the sense of individualism which opposed any increase of the state's activity. According to popular political thought, the function of government was to restrain the lawless, not to stand sponsor for social forces. Instruction was pre-eminently a parental obligation with which the state had no right to interfere. Consequently the only conception of public education was that of charity, to be undertaken by benevolent individuals. Illustrative were societies for education of poor orphan children in Newbern, Fayetteville, Wilmington, Ra-

leigh, and in Edgecombe, Wayne, and Johnston counties, established between 1800 and 1825. Aversion to taxation also checked the growth of educational sentiment. The purpose of taxation in a democracy, it was held, is to meet the necessary expenses of government, and any violation of this principle is dangerous to liberty. In fact the slender revenue schedules and the general complaint of the depreciation of property made impossible direct taxation for school purposes. However, agitation for public schools opened early in the nineteenth century. Beginning with Governor Williams in 1802, recommendations for a school system were frequently made by the executives.

Evidently the improvement of trade relations, the stimulation of agriculture, and the inauguration of a public school system were the preëminent economic and social needs of North Carolina. A new epoch opened in 1815; popular apathy and legislative inactivity were supplemented by an ever increasing interest in public affairs and also legislative activity in their behalf. A number of influences were responsible for this change. Throughout the United States the close of the second war with England was followed by a keener interest in domestic matters. Party strife subsided with the collapse of the federalist party and made possible concentration on matters pertaining to public welfare. Personifying the new epoch was Archibald DeBow Murphey, of Orange County. Repudiating the traditional spirit of partisanship, he consecrated his mind and heart to the cause of social and economic reform. His reports on trade and education mark him distinctly as the agitator and genius of his time. The condition of public finances was also an important factor in the new epoch. An inflation of the currency through the issue of treasury notes and bank notes created a speculative spirit favorable to large enterprises. At the same time a new source of revenue, dividends and taxes from bank stock, made possible state aid for public causes.

As there was general agreement that better trade relations would improve agriculture and also create new values for taxation, the cause of internal improvement received first attention. The steps in the evolution of the new policy were

halting. There were no guides to be found in experience at home or precedent abroad.[13] Yet the appropriations were for that day exceedingly liberal. The legislative committee on inland navigation in 1815 recommended a comprehensive survey with reference to navigation, and subscription to one-third of the stock of the Tar, the Neuse, and the Yadkin Navigation companies, and also a similar subscription to a canal that would connect the Yadkin and the Cape Fear



Archibald DeBow Murphey

rivers. The proposal for a survey was readily adopted. Discretion should have prevented appropriation for other purposes until a report on surveys could have been made; but the demand for better trade conditions was so great that a subscription of $25,000 was authorized to the capital stock of the Roanoke Navigation Company, capitalized at $300,000, and $15,000 to that of the Cape Fear Navigation Com-

[13] Prior to 1815 there were chartered by the legislature 10 toll roads, 12 canal companies and 15 navigation companies. None received state aid and apparently none were serviceable. See Morgan, State Aid to Transportation (N. C. Booklet, Jan. 1911).

pany, capitalized at $100,000. The next year $65,000 were subscribed to the stock of other companies as follows: $6,000 to the Neuse River Navigation Company, chartered in 1812 with a capital of $50,000; $8,000 to the Tar River Navigation Company, a new corporation with authorized capital of $75,000; $6,000 to the North Carolina Catawba Company, chartered in 1788; $25,000 to the Yadkin Navigation Company, newly chartered with an authorized capital of $250,000, and $20,000 to the Lumber River Canal Company, also a new corporation, with a capital of $200,000, to connect the Yadkin and the Cape Fear. Later, in 1818, $5,000 were subscribed to the stock of the Roanoke and "Pamptico" Canal Company, organized with a capital of $150,000 to connect the Roanoke and Pamlico rivers, and $2,500 to the Club Foot and Harlowe's Creek Canal, chartered in 1813 to connect Neuse River with Newport River, so affording an outlet to the sea.

Thus a comprehensive policy for the improvement of river navigation was adopted. The appropriations for the improvement of the Roanoke, the Tar, the Neuse, the Cape Fear, the connection of the Roanoke and the "Pamptico," and the construction of the Club Foot and Harlowe's Creek Canal were designed to benefit eastern North Carolina, while the appropriation for the Catawba, the Yadkin, and the connection of the Yadkin and the upper Cape Fear were planned to develop the west and to encourage intersectional relations. Of the total subscribed, $61,500 went to eastern and $51,000 to western projects. Considering the condition of the public finances, the appropriations were liberal; the state's income approximated $135,000, and the expenditures $130,000, per annum. It was expected that the subscriptions would be paid from loans secured from the banks, but the meager reports of the Treasurer and the Comptroller do not make clear the method actually used.

During the next few years additional appropriations were made for the above and also for other public works. The largest amount again went to the east, as follows: for the improvement of the Cape Fear River below Wilmington $39,730 were spent; for the Plymouth Turnpike connecting

Plymouth and Hyde County $2,500 were appropriated, and also $300 for a road from Columbia to Gumneck; $25,000 for additional stock in the Roanoke Navigation Company were also voted, as well as $25,000 for stock in the Cape Fear Navigation Company, and $12,500 for stock in the Club Foot and Harlowe's Creek Canal. Loans to the latter company amounting to $18,000 were also made. For the development of the west $2,548 were spent in improvement of Broad River, since South Carolina undertook to improve the portion of the stream in that state. Most significant were appropriations in the mountain region, which developed rapidly after 1819. The roads so favored with their appropriations, were as follows: Wilkes County to the Tennessee line (two roads) $5,000; Old Fort to Asheville, $1,500; Wilkesboro to Iredell County, $500; Rutherfordton to Asheville, $2,452; Jefferson to the Tennessee line, $300; Saluda Gap to Tennessee, $500; Huntsville, Surry County, to the Virginia line, $500.

For the success of the new policy two things were evidently necessary—the establishment of a permanent source of revenue from which the state could meet its subscriptions, and a supervisory board or commission to direct and guide the state's policy. In 1817 and again in 1818 the creation of such a revenue and a board to administer it was recommended, but not until 1819, after a favorable report by Hamilton Fulton, the surveyor appointed under the act of 1815, was the recommendation carried out. Then were provided the Fund for Internal Improvements and the Board of Internal Improvements.

Two sources of revenue were set aside for the fund. First was the Cherokee Lands, consisting of approximately 1,000,000 acres in the mountain region to which the Indian titles had been extinguished by the federal treaties of 1819. These lands were now open to settlers. Commissioners were appointed to survey and divide them into four classes, which should sell respectively for $4, $3, $2, and 50 cents to $2 per acre. One-eighth was required of purchasers as first payment, notes being taken for the balance, redeemable in four annual installments. The second source of revenue of the fund was stock held by the state in the banks of Newbern and

Cape Fear, 1,304 shares in the former and 1,250 in the latter; each bank was paying in 1819 dividends of 7 per cent. The state was also to receive stock in each company aided equivalent to the amount of money subscribed.

For the administration of the fund, the Board of Internal Improvements was created. It consisted of six commissioners, one for each of the judicial districts, elected by the legislature, with the governor as member *ex officio*. It had authority to appoint engineers, to make subscriptions to public works authorized by the legislature, to report to the legislature "the exact state of the Fund for Internal Improvements: The progress, condition, and net income of all the public works under their charge, the surveys, plans, estimated expense of such new works as they may recommend to the patronage of the General Assembly, together with such other important information as they may have it in their power to collect or in relation to the object committed to their trust." In 1823 membership of the board was reduced to the governor and three directors elected by the legislature, and in 1831 to three, the governor, the state treasurer, and one elected member.

The growth of the Fund for Internal Improvements had peculiar difficulties. First of all the accounts rendered by the Board of Internal Improvements and by the Treasury, when the income of the fund was investigated by the legislature in 1823, differed. With the report of the board as the basis, the income of the fund from 1819 to 1823 was as follows: from the Cherokee Lands, $110,217.70¼, of which $39,560 was cash, the remainder notes due from purchasers; from bank stock, $27,870; and appropriations before the board was organized, $6,264.06; total, $144,351.76¼. Expenditures had been $60,-879.11, leaving about $70,657.06¼ in notes and $12,815.59 in cash. However, Treasurer Haywood reported the income from land sales to be $1,247 less than the estimate of the board, and that the balance due the fund was $17,361.38½, that claimed by the board being $12,815.59. In the adjustment of accounts the lower cash balance of the board was accepted, while the amount due from Cherokee notes was entered as $87,111.56¼. For the following three years the fund prospered; the cash income from 1824 to 1827 amounted to $118,-

269.70½, expenditures were $109,265.52½, and the cash balance was $21,675.16½. But in November a defalcation by the recently deceased treasurer, John Haywood, was disclosed. Of the total deficiency of $69,377.34 in his account, $22,195.15⅞ were charged to the Fund for Internal Improvements.

The most serious check to the growth of the fund, however, was the decline of the dividends from bank stock. In June, 1827, the dividends of the Bank of Newbern dropped from 4 per cent semi-annually to 3½ per cent, in December to 3 per cent, in December, 1828, to 2 per cent; in 1830 no dividends were declared; one of 3 per cent was paid in 1831, but thereafter none until stock dividends at liquidation. In 1828 the Bank of Cape Fear reduced its dividends from 3½ to 2 per cent, passed one dividend in 1830, and all after January, 1831, until reorganization in 1835. This policy of the banks meant a decline of approximately $8,000 per annum for the Fund during the years of reduced dividends and a total loss of $18,000 per annum when dividends were suspended. Thus while the annual income from 1824 to 1827 averaged $27,000, during the succeeding four years the average income was $11,000, and in 1832 and 1833, when no dividends were paid, the average income was only $2,000.

Another cause of the decline of the Fund was the difficulty in collecting the notes due on the Cherokee land sales. The notes taken at the sales of 1819, 1821, and 1822, amounted to $110,117.70¼. The balance uncollected in 1823 was $87,111.56¼. Prior to 1829 the collections varied from $6,000 to $15,000 per annum. Thereafter they declined, dropping in 1835 to $1,835.17. The amount of bonds still uncollected in 1833 was $49,332.67. One cause of this delinquency was the financial depression which pervaded the state after 1828. In 1834 the treasurer was authorized to bring suit for the collection of notes due and unpaid, and similar action was taken in later years, notably in 1842; but all delinquencies were never settled, and no comprehensive report on Cherokee land was ever made.

The expenditure for internal improvement from the initiation of the policy to 1836, inclusive, was $291,446.50. However, of this amount only $205,388.88½ was from the Fund,

the balance being derived from the general revenue of the state. The projects and the amount appropriated to each were as follows:

Engineering		$ 67,808.26
Stock Subscriptions—		
Roanoke Navigation Co	$50,000	
Cape Fear Navigation Co	40,000	
Yadkin Navigation Co	25,000	
Tar River Navigation Co	1,200	
Neuse River Navigation Co	1,800	
North Carolina Catawba Co	2,400	
Club Foot & Harlowe's Creek Canal	15,000	
Buncombe Turnpike	5,000	
Plymouth Turnpike	2,500	142,900
Direct Appropriations—		
Broad River	2,548	
Cape Fear	39,730.16	
Lumber River	427.20	
Highways	16,452.00	59,157.36
Loans—		
Club Foot & Harlowe's Creek Canal	18,000	
Old Fort and Asheville Road	2,000	
Tenn. River Turnpike	2,000	22,000.00
Total		$291,446.50

As paying investments or even successful in securing the desired improvements these appropriations were a failure. Only three of them yielded any dividends; these were the Roanoke Navigation Company, which declared a dividend of 1¾ per cent in 1831 and 1833, the Cape Fear Navigation Company, which paid ten dividends averaging 4½ per cent, and the Buncombe Turnpike, which paid a few dividends averaging 3 9/10 per cent. For all practical purposes, the Yadkin Navigation Company, the Neuse Navigation Company, and the North Carolina Catawba Company were by 1833 unsuc-

cessful, and the state's investment in them a complete failure. The Club Foot and Harlowe's Creek Canal was reported to be "productive of some benefits," but in 1834 work on it was suspended. Of direct appropriations, that to the Cape Fear was alone profitable, the construction of jetties and dredging helping navigation considerably. The appropriations to roads benefited those communities which they aimed to benefit.

Two facts explain the failure of this early policy toward internal improvements. The amount of work undertaken was too great for the available revenue and there was a distinct lack of experience and skill in carrying on the part of those directing the enterprises. Said the report of the Board of Internal Improvement in 1833:

> When attention was first called to the improvement of our internal condition, by a distinguished son of North Carolina, the public mind was seized and carried away by an amiable enthusiasm on a subject which promised happy results—our citizens and the Legislature were disposed to contribute freely to accomplish objects important to the prosperity of the State, and beneficial to the individual contributors. But, unfortunately for the success of our attempts, we had no experience to guide our efforts or to limit our expectations within proper bounds. Excited to action by the brilliant success of similar attempts elsewhere, and the splendid results which were anticipated from the accomplishment of the projected improvements, many were undertaken without due examination. In some instances a wild spirit, which was generated by the circumstances of the times, diverted the funds from a proper direction; and the attempt in other instances to gratify local feelings and interests, by commencing operations at many different points, rendered the whole utterly useless, because none could be completed. These and other circumstances contribute to disappoint expectations, perhaps too sanguine, and produced doubts of the success of any attempts at internal improvement in our State. * * *
>
> The science of engineering was at that time little understood, and no individual could be obtained competent to direct our operations. The politicians who devised the plans, undertook the execution of the work and with a fund not larger than some of our citizens have employed profitably on their own farms, improvements were commenced simultaneously at the sources of all the principal rivers of the State. This system was persevered in until * * * about $50,000 were lost to the Treasury. The public disappointed by the results of the expenditure, became discouraged and improvement was abandoned.

The most significant fact in the policy of internal improvement was that in spite of its failures there arose a demand for

larger state aid. In this the Board of Internal Improvement took the lead, recommending in 1821 that the state borrow $500,000 to be spent in the improvement of transportation. In 1825 and again in 1830 the recommendation was repeated. In 1833 the amount recommended was $6,000,000. The desire for larger expenditures was not limited to the board. In the later 'twenties it took the form of a genuinely popular movement. One basis for this popular demand was the rise of a new form of transportation, the railway, for the development of which private capital was not sufficient. The most notable expression of the new sentiment was the "Numbers of Carlton," published in 1825 by Dr. Joseph Caldwell, president of the University, urging the advantages of railroads.

Popular interest was also expressed in a large number of public meetings. In January, 1829, at a meeting in Raleigh a definite organization was perfected by the friends of internal improvement; a central committee was appointed, and also local committees in each county of the state, to carry on the agitation. The climax in the agitation was reached in 1833 when delegates from forty-eight counties met at Raleigh and adopted a memorial to the legislature asking for state aid to various enterprises, amounting to $5,000,000.

The agitation produced no immediate result, the principal reason being the conflict between the east and the west, which was at fever heat from 1830 to 1835. By 1830 the counties west of Raleigh had outstripped those to the east in population; yet because representation was apportioned equally among the counties, the east, with a larger number of counties, had a larger representation in the legislature and controlled legislation. Consequently there was a demand for constitutional reform with especial attention to the matter of representation, championed by the west and opposed by the east. This issue was so acute that it obstructed all other questions. Therefore the memorial of the Internal Improvement Convention of 1833 received no response from the legislature. A wave of protest swept the state. Prominent leaders and newspapers in the east as well as the west condemned the legislature for its failure to heed the popular demand. It was also evident that the matter of representation must be settled before economic problems could be impartially considered. Hence the imme-

diate outcome of the agitation for internal improvement was to strengthen the sentiment for constitutional reform. After that issue was adjusted by the constitutional convention of 1835, a new chapter opens in the history of state aid.

However new means of financing public works had to be found, for in 1835 the income of the Fund for Internal Improvements was only $14,736. This difficulty was overcome by the distribution of the federal surplus revenue among the states. Two other problems, however, had also to be met with the surplus revenue; one was the obligations due by the state treasury, the other was the demand for aid to public education.

That better markets would make agriculture more profitable was undoubtedly one of the influences which brought about the Fund for Internal Improvements. Regeneration of farming was also sought through the organization of agricultural societies. Such a society was formed in Edgecombe County as early as 1810, and others were established in Beaufort, Halifax, Cumberland, Wake, Guilford, Mecklenburg, Chatham, and Surry. In 1819 the State Agricultural Society was organized at Raleigh, but very little is known of its activities. In 1822 the policy of state aid was directly extended by the creation of the Agricultural Fund, consisting of the income, not exceeding $5,000 per annum, from the sales of vacant land, and uncalled-for sums in the hands of the clerks of the County courts. Expenditures were authorized for three purposes: the support of local agricultural societies, the purchase and distribution of seeds, and publishing the reports and proceedings of county societies. For supervision of this work the presidents or delegates of the county societies were constituted a Board of Agriculture. The activities of the board were not extensive. One of its services was to issue several pamphlets relating to agriculture; more important was to undertake the publication of a geological survey of the state. The first two parts, prepared by Prof. Denison Olmstead, of the university, were published in 1824 and 1825, the third and fourth parts by Prof. Elisha Mitchell, of the same institution, in 1826 and 1827. With the latter were also issued a "Report on the Mineralogy of North Carolina" by C. Rothe, a reprint from *Silliman's Journal of Science*. These pamph-

lets were not only the earliest publication of the State Geological Survey, but were also the first efforts toward a geological publication by any state in the Union. However there seems to have been little inclination to take advantage of the Agricultural Fund by the county societies, for in 1825 there was an unexpended balance of over $7,000. This, and also all future annual balances, were therefore appropriated to the Literary Fund, established in the interest of public schools in 1825.

There was a tremendous increase in the cause of public education in 1815 and after, due to the same influences that increased the interest in internal improvements. In 1815, the year that the policy of state aid to transportation was adopted, a joint committee on education was appointed by the legislature, but it made no report. In 1816 another legislative committee submitted a report, written by Archibald DeBow Murphey, which pointed out the importance of education to a people and to a state. "In all ages and in all countries," it said, "the great body of the people have been found to be virtuous in the degree in which they have been enlightened. There is a gentleness in wisdom, which softens the angry passions of the soul, and gives exercise to its generous sensibilities. And there is a contentment which it brings to our aid; humility in times of prosperity, fortitude in the hour of adversity, and resignation in affliction. True wisdom teaches men to be good rather than great; and a wise providence has ordered that its influence should be most felt where it is most needed, among the great body of the poeple, who, constituting the strength of the state, have no other ambition than to see their country prosper and their wives and children and friends happy. To the several classes which compose this great body, the attention of the Government should be particularly directed; to teach them their duties and enable them to understand their rights."[14] The result was the appointment of an *ad interim* committee to plan a school system. Its report, also written by Murphey, is a landmark in the state's educational history. It outlined a system including grammar schools, academies, the improvement of the University, and

[14] Hoyt, Papers of Archibald DeBow Murphey, II, 49.

asylums for the deaf and dumb. The state should be divided into townships and academy districts, whose appropriations should be supplemented by aid from a Fund for Public Instruction. Thus was foreshadowed the fundamental organization of a modern public school system. A singular feature of the report was that only the poor would be educated entirely at public expense,—all for a period of three years, and the more promising portion to be advanced through the whole curriculum from primary school to university at public cost, clothing and board included; these in turn would be required to enter the teaching profession and to instruct the poor free of charge. There is a marked similarity between this report and one presented to the Virginia legislature in the same year, which was inspired by Thomas Jefferson. One member of the committee, John M. Walker, submitted a separate report which elaborated the details of the training for the promising poor.

Bills to carry into effect these recommendations were rejected, and a similar fate met similar bills at sessions immediately following. The legislature was committed primarily to internal improvements, and conservatism would not brook expensive experiments for education until additional financial resources could be found. By 1825 the financial opportunity was at hand. In order to aid certain prominent banks, which were being hard pressed by their creditors, and in whose stock the state had invested, the legislature of 1823 ordered the purchase of additional bank stock to be paid for with the issue of $100,000 of treasury notes. As the dividends from this new stock were not necessary for the regular expenses of the Government, and as the experiments with internal improvements were not promising, stock of the Bank of the Cape Fear (680 shares) and of the Bank of Newbern (330 shares) was appropriated to the cause of education. In addition the income from five other sources was also utilized: viz., dividends from the stock held by the state in the Cape Fear Navigation Company, the Roanoke Navigation Company, and the Club Foot and Harlowe's Creek Canal; license taxes paid by the retailers of liquors and auctioneers; the unexpended balances of the Agricultural Fund; the income from the sales of vacant and unappropriated swamp lands; and $21,090 due from the Federal Government for aid in removing the Cherokees. Thus

was constituted the Literary Fund. Its administration was placed in charge of three trustees, the Governor and the Speakers of the House of Commons and of the Senate. Bills to establish schools immediately were rejected on the ground that the revenue from the fund was insufficient, and efforts to add new sources to the fund, such as lotteries and additional bank stock, were also defeated. The income was therefore reinvested by the trustees, thus creating a large principal, the interest from which was finally used for educational purposes. This was the distinguishing characteristic of state support of public schools in North Carolina prior to 1860; it was derived from an endowment rather than from direct taxation.

Prior to 1836 the Literary Fund suffered several misfortunes. First of these was a temporary loss occasioned by the defalcation of Treasurer Haywood. In November, 1827, the free balance to the credit of the Fund was $28,201.82½, but an investigation of the treasurer's records—that officer having recently died—showed that all of this except $17.50, which had never been turned over to him, had been lost. However, in 1831, by order of the legislature $28,184.32½ with interest was returned to the Fund, the total amount being $29,074.96. Another misfortune was a decline in the dividends from the bank stocks. In 1827 the Fund held as a result of the act of 1825, 359 shares in the Bank of Newbern and 704 shares in the Bank of the Cape Fear, 29 shares in the Bank of Newbern and 34 in the Bank of the Cape Fear having been advanced by the state since 1825. The rate of dividends was at that time 3 per cent semi-annually by the Bank of the Cape Fear and 4 per cent by the Bank of Newbern. Among the first investments by the trustees was the purchase of 78 shares in the State Bank in 1827, the very year in which the dividends dropped from 4 per cent semi-annually to 3½ semi-annually. In 1828, although the dividends of all the banks had declined, 204 shares of the State Bank were bought at $90 per share, 50 shares in the Bank of the Cape Fear at $80, and 141 in the Bank of Newbern at $80. The same year the State Bank paid only one dividend of 2½ per cent, then yielded one of 3 per cent in 1829, and from 1830 to liquidation only 2 per cent semi-annually. The Bank of the Cape Fear reduced its dividend in 1828 to 2 per cent semi-annually, passed one dividend in

1829, both in 1830, then paid one of 3 per cent in 1831, and passed all until re-organization in 1835. The Bank of Newbern also dropped to a 2 per cent basis in 1828, passed one dividend in 1829, one in 1830, then paid one of 3 per cent in 1831, and thereafter passed all until liquidation.

The investment of public funds such as the Literary Fund in securities of declining value would today be regarded as a violation of a trust. However, the banks were quasi-state institutions; they were being hard pressed to meet their obligations to pay in specie, notably by the Second Bank of the United States; and there was naturally a strong feeling that state funds should support state institutions. Fortunately the loss from the money actually invested by the trustees was small, the State Bank and the Bank of Newbern paying at liquidation $38,803, whereas $41,440 had been paid for shares in these institutions by the trustees of the Fund. On the other hand the capital dividends on the stock in these banks appropriated to the Literary Fund by the legislature were applied to the general expenses of the government. Yet with such experience in the past, one of the principal investments of the Literary Fund after its re-organization in 1836 was in bank stock. Fortunately the experience with the investment was more satisfactory.

The other sources of revenue presented no specific problems. The sales of vacant lands up to 1836 amounted to $55,133.73; license taxes, $31,371.68; auction tax, $6,513.98; agricultural fund balances, $10,962.82; the Cape Fear Navigation Company dividends, $4,484.34; the Roanoke Navigation Company dividends, $2,250.14; premium on exchange of $12,000 United States notes, $1,100; from the United States Government for money advanced for the removal of Cherokee Indians, $22,000; miscellanies, $6,083.60. These with the bank dividends of $102,341.06 and a correction of $915.96 made a total of $243,162.83. There were expended $239,317.83, all of which except $5.50 was for bank stock, leaving a cash balance of $3,845.09.[15]

[15] Totals have been computed from the reports made by the Treasurer, the Comptroller, and the Literary Board.

CHAPTER VI

STATE OF THE FINANCES

Taxation—Revenue and Expenditures—Currency and Banking

Undoubtedly an influence which retarded measures for social and economic progress was the state's financial system. The revenue was small, approximately $50,000 in 1800 and $111,000 in 1830. The sources of income were few, and there was deep aversion to any increase of taxation. Governor Swain in 1835 declared "the history of our state legislation during the first half century of our political existence will exhibit little more to posterity than the annual imposition of taxes amounting to less than a hundred thousand dollars, one-half of which constituted the reward of legislative bodies by which they were levied, while the remainder was applied to sustain the train of officers who superintend the machinery of government."

Another factor in the public finances was the policy toward banking. Liberal charters to the banks permitted an excessive issue of bank notes, so causing an inflation of the currency which produced speculation and depression in business. Subscription to bank stock by the state made possible the retirement of the post-revolutionary currency, the first form of public debt, and also aided in the foundation of the Fund for Internal Improvements and the Literary Fund. On the whole, the financial policy was characterized by inexperience and incompetence. By 1836 the treasury was facing a serious deficit; the crisis was saved by the distribution of the federal surplus. How deeply interwoven with the social and political structure were financial policies, detailed analysis only can show.

The public revenue was derived from three sources, taxation, dividends from bank stock, and sale of public lands. The taxes in turn were of three kinds, the poll, the land, and those which may be termed miscellaneous. Their history really begins with the later Revolutionary period, when depreciation of the currency forced a resort to taxation. Of all schedules, the poll tax was the most stable; prior to 1818, when it was exceeded by the land tax, it yielded an income larger than any other source of taxation; and in 1825 it again became more productive and remained so until 1850. The rate on the poll was, from 1790 to 1811, 2s; from 1811 to 1813, 2s 6d; but in 1813, when the rate on land was increased to 12d per 100 acres, the poll on the blacks was increased to 3s. In 1814, when the official change from the state currency to that of the United States was made in the revenue laws, the pole on whites and blacks was equalized, being fixed at 30 cents, while the land tax was 8 cents on the $100 value; but the next year the poll was reduced to 25 cents, the ratio between land and poll of three to one becoming the general custom of the law. In 1817, when the land tax was reduced to 6 cents per $100 value, the poll was likewise reduced to 20 cents, which remained the rate until 1854. In 1806 the age limit was reduced from 60 to 50 years, and in 1822 to 45 years for whites. The constitutional convention of 1835 provided for the equalization of the poll between whites and blacks. In collection of the tax there was much inefficiency; according to the census of 1830 there were more taxable polls than those reported by the treasury for 1836, the revenue of the state losing approximately $8,000 per annum.

The land tax was two-fold, a rate levied on 100 acres of farm property and a rate on town lots equivalent to that on 300 acres of farm land. In place of the unit of 100 acres the $100 valuation was substituted in 1814. Two characteristics of the economic conditions were illustrated by the land tax. First was the general aversion to taxation; reduction from 8 cents to 6 cents per $100 of valuation in 1817 was made because large dividends were expected from bank stock. The second characteristic was the decline in the valuation of landed property. According to an assessment made

by the Federal Government in 1815, the lands of the state were valued at $53,521,513, but a state valuation made in 1833 amounted to $42,916,633, a decline of over $10,000,000, yet the acreage in the two years showed an increase of nearly 1,250,000 acres. One cause of the decline was undoubtedly the inefficiency of the assessment law; another was the general economic depression that pervaded the state.

In addition to the rates on poll and land were the miscellaneous taxes; they included licenses (such as carriage wheels, stores, billiard tables, peddlers, gates, shows and curiosities, brokers, and negro traders), imposts, and taxes on bank stock. On this class the licenses were the most peculiar. The store tax, from its origin in 1804 to 1809, was 50s on each store; from 1809 to 1820 a distinction was made between wholesale and retail houses, the former being taxed more than twice the amount of the latter; but in 1820 the tax on retail merchants was limited to those "who shall sell goods, wares and merchandise, not the growth and manufacture of this state." Likewise the peddler's tax was limited in 1810 to those who sold goods not grown or manufactured in North Carolina. These distinctions were evidently infractions of the Federal Constitution, but distinction between the products of North Carolina and those of other states remained in the revenue system down to 1860.

There were other anomalies in the miscellaneous taxes. One was the impost, a license of 50s levied from 1804 to 1810 on all who imported and sold goods not subject to the revenue laws of the United States. Another was a tax of 2s 6d on each saw or row of teeth used in each cotton gin, the revenue being applied to the payment for the patent rights on the cotton gin held by Miller and Whitney. Still another peculiar tax was that on carriage wheels, levied from 1784 to 1793. The tax on the stock of the banks of Newbern and Cape Fear held by individuals was the most reliable of the miscellaneous taxes, for it increased with each issue of stock by the banks. The average annual amount realized from all miscellaneous taxes from 1810 to 1834 was $8,958.

In 1808 the revenue was increased by dividends from bank stock held by the state. Prior to 1819 the entire dividends

from the state stock were devoted to the redemption of paper money and to general expenditures, but in 1819 and 1825 a large part of the bank dividends were diverted to the Fund for Internal Improvements and to the Literary Fund. Then followed a period of decline in dividends, noted in the previous chapter. The entire amount of bank dividends appropriated to general expenses from 1808 to 1834 inclusive was $588,-274.92, or $22,625.75 per annum.

Finally, the sale of public lands was also a source of revenue, but the proceeds were appropriated to the Fund for Internal Improvements and to the Literary Fund.

Classified statements of the annual revenue derived from each source are not obtainable except for a few years prior to 1828. But the percentage of the revenue from each source for 1805, 1812, 1818, 1825, and 1830 may be taken as typical; for 1805 was a year prior to the charter of the banks, 1812 marks the beginning of the inflation of the currency, 1818 is typical of the high dividends from the banks, while 1825 and 1830 illustrate the years of depression.

Year	Total Revenue	Land Tax	Per Cent of Total	Poll Tax	Per Cent of Total	Miscellaneous Taxes	Per Cent of Total	Bank Dividends	Per Cent of Total
1805	£26,026.1.10	£7,039.1.14	27	£11,043.9.10	40	£7,943.19.16	33		
1812	£33,155.0.2	£7,681.0.7	28	£15,103.7.2	47	.....	24.3	£2,500	.7
1818	$137,712.34	$35,528.16	25	$32,027.64	23	$26,726.54	19.5	$43,430	31.5
1825	88,341.62	26,111.95	29	26,665.42	30	14,151.75	16.8	21,412	24.2
1830	111,106.09	24,547.57	22	27,923.06	25	44,896.00	41	13,840	12.

The expenditures, like the revenue, were meager. From 1800 to 1812 the average amount was $67,469.16 per annum. This included the redemption of certificates, which was covered by the receipts from land sales. In 1813 the expenditures rose to $115,796.76, and from 1813 to 1835 inclusive the average annual expenditure amounted to $131,571.77. Among the causes of this increase was the War of 1812; another was subscriptions to stock of the banks and various navigation companies, and still another was the redemption of treasury notes which had been issued in 1817 and 1818. In 1829 and in each year until 1836, excepting 1833 and 1834, expenditures were greater than the receipts, as the following table illustrates:

Year	Balances of Previous Year	Receipts	Total Available	Expenditures	Balance
1829	$93.343.54	$101,821.32	$195,165.12	$121,151.10	$74,014.12
1830	74,014.12	111,106.09	185,120.21	115,369.37	69,750.81
1831	69,750.84	95,733.40	165,484.24	132,023.29	33,023.29
1832	33,023.29	94,500.42	127,523.42	119,598.68	7,924.73
1833	7,924.73	188,819.97	196,744.70%	138,867.46	57,877.24
1834	57,877.24	202,127.28	260,004.52	191,571.11	68,433.41
1835	68,433.41	150,109.56	218,542.97	171,686.30	46,856.30

The immediate causes of this deficiency were the redemption of the treasury notes issued in 1823, the building of the state capitol, and a decline in revenue due to the suspension of bank dividends. But a deeper cause of the crisis was the instability of the regular revenue, especially the lack of increase in the land tax, which showed a small but steady decline after 1820, and also the failure to get full returns from the poll tax. Thus the revenue did not show a normal expansion to meet the increased expenditures. In 1833 and 1834 the strain was relieved by stock dividends from the Bank of Newbern and the State Bank, but in 1836 a subscription for $375,000 to the new Bank of the State of North Carolina fell due and the treasury faced bankruptcy. In this crisis relief was found in the surplus revenue distributed among the states by the Federal Government.

In the administration of the revenue there were disorder, inefficiency, and corruption. At the close of the Revolution the debts and arrears due from revenue officials amounted to £10,890.8.11 in currency and £10,056.8.0 in certificates; by 1793 this had increased to £43,310.12.3 currency and £42,441 certificates. Moreover, as indicated above, a vast amount of property was not listed for taxation, and a large number of polls paid no poll tax. In addition there was a loose method of accounting which opened the way for misappropriation of funds. A review in detail of the rules regarding administration of the revenue shows how imperative was the need of reform and how late it came.

First of all, the methods of assessing and collecting the revenue were unsatisfactory. For listing the property the county court was responsible. It appointed assessors, consisting of justices of the peace, who made an inventory of the taxable property based on a sworn statement of the property

owners. The lists were returned to the clerk of the county court, who sent one copy to the comptroller and another to the tax collector. The collector, appointed by the county court, paid the revenue to the sheriff, also an appointee of the county court, who forwarded it to the state treasurer. Such a method of levying and collecting the taxes had several grave defects. One was that the local revenue officers were appointed by the county courts, whose members were appointed by the governor on the recommendation of the members of the legislature for the county. Thus the local officers were not elected by the people and were not held responsible to them. In each county there was an official ring, the members of which were inclined to act in the interest of each other rather than that of the state. By way of illustration, the clerks of the county courts often failed to take the bonds of the collectors, which the law required to be equal to twice the amount of the taxes to be collected. The sheriffs, who in 1791 became the sole collectors, were notoriously corrupt. Although under special bonds of £2,000 for the collection of the taxes, many of them failed to settle their accounts with the treasurer and, when suits were brought against them, judgment secured, and their property attached and offered for sale, the reports returned by the officials were, "Not sold for want of bidders." The clerks of the court also did not always send the comptroller lists of the assessed property, and, strangest of all, the delinquent officials often appealed to the legislature and secured a dismissal of the suits against them pending in the courts. Evidently there was a lack of sense of public duty in the official class.

Another evil of the local administration was the small recompense for the work required. In the early days the collectors were paid at the discretion of the county courts; later they were entitled to a commission of 3 per cent and the sheriffs to 1 and 2 per cent; after the sheriffs assumed the entire duty of collection, their commission was increased to 6 per cent. According to Treasurer Haywood, the better class of citizens would not work for such small compensation.

As a means of protecting the state from dishonest officials,

citizens who had become involved in their accounts were in 1793 made ineligible for membership in the legislature, and special collectors of arrears were appointed to settle the accounts of delinquent officials. A considerable sum was realized by the latter measure, how much cannot be ascertained. The most efficient means of ending the corruption and inefficiency in the local administration was the law of 1806 which prohibited the reelection of a sheriff unless he showed receipt in full for the taxes collected by him; in the same year the clerks of the county courts were made subject to a fine of $500 for failing to report the assessment lists to the comptroller.

Another evil of the local administration was the imperfect assessment of property. Each property holder gave in the amount of his property under oath and valuation was made by the assessors, but in case of over-valuation appeal might be made to the county court; by a law of 1814 the assessors were allowed to summon a jury of two free-holders to make a new assessment if the land was under-valued by the owners; and in 1819 a Board of Appeals of three was appointed by the court of pleas and quarter sessions to hear complaints and to revise the assessment. In 1819, also, the assessors were required to have a copy of the Federal Assessment List of 1815; and assessment in the future should not be less than that. But in spite of this requirement the valuation of property in 1833 showed a decline in values since 1815.

Inefficiency was not confined to local administration. The management of the finances by the officials of the state government was marked by poor accounting, carelessness, and incompetency, which finally bore fruit in defalcation. The state financial officers were the treasurer and the comptroller, elected by the legislature. Their duties and relations to each other were poorly defined. The treasurer, who received the revenue from the sheriffs, made an annual report to the legislature, and his accounts were formally examined by a committee on finance. But his report was not a balance-sheet; usually it was a business letter, giving the amount of the balance of the previous year, the amount of the income, the expenditure, and the balance at the close of the fiscal year. For a detailed statement of expenditures and income reference had to be

made to the comptroller. His oversight of the income was due to the fact that he received from the county court the tax lists of the counties and so informed the treasurer of the amount due from the sheriffs; moreover each sheriff or revenue officer was required to secure two receipts from the treasurer and to file one with the comptroller. Thus the comptroller kept check on the income of the state and the expenditures were likewise audited, for no draft or warrant could be paid by the treasurer until certified by the comptroller, except warrants for salaries of the members of the legislature and the judiciary. However not until 1814 was the comptroller required to make a printed annual report of the transactions of his office to the legislature.

There were three defects in this method of public accounting. First of all, the comptroller did not have oversight of the actual money in the treasury; he did not know where the cash was deposited, whether in bank or safety vault. It is a matter of interest that a large sum of money was kept in a trunk in the treasurer's office long after banks were organized, for the purpose of meeting the incidental expenses of the government. Second, the auditing by the comptroller did not include all the funds of the state. He had no supervision over the appropriated revenue, consisting of the Fund for Internal Improvements and the Literary Fund. These were cared for and reported on by the treasurer alone. Third, the method of bonding the treasurer was not adequate. By a law of 1784 the bond was fixed at £100,000, to be given before the treasurer entered office and to be approved by the governor and the council of state. But in 1801 the law was changed, so that the bond was to be given thirty days after the election of the treasurer and its amount was to be equal to the balance in the treasury plus the expected income of the approaching year. In 1819 the approval of the governor's council was withdrawn. There was also no provision to compel the bonding of the treasurer, nor was there any penalty on him for failing to give security. For the year 1826-1827 no bond had been given by the treasurer.

With such a system of administration the way was open for misappropriation of public funds. In 1827 a large de-

falcation was disclosed. The treasurer from 1787 to 1827 was John Haywood. Few officers of the time had to such an extent as he, the respect and confidence of the people; he was popularly known as that "great and good man." There seems to have been no suspicion of his management until 1820, and then an investigation exonerated him. In 1827 he died, and when the committee on the treasury at the succeeding legislature examined the accounts and the money on hand, it was found that $69,377.34 were lacking. Of this amount $28,184.32½ were charged to the Literary Fund and $22,195.15⅞ to the Fund for Internal Improvements—a worthy example of the result of exempting these funds from inspection by the comptroller. When the defalcation began, was never disclosed. Tradition says that it was due to one of the clerks in the office, but the report of the committee of investigation made more likely a gradual use of the money for private purposes. The popularity of Mr. Haywood among the people was so great, however, that the defalcation was believed by many to have been nothing but a false charge worked up by his enemies. As the treasurer had given no bond for his last year's term, the only method to recover the funds was to settle with his estate. All private claims to his property, except the widow's dower right, were surrendered. Sales were made from which $47,601.37½ were realized, leaving a balance due of $21,735.96. Suit was then entered against the estate for this amount; the executors submitted that they could raise only $7,176.60 and judgment was accordingly entered. However only three payments were credited, amounting to $4,341.98. Thus a balance, in principal and interest, of $17,740.40 apparently remained unpaid.

Fortunately the finances were not seriously impaired by the defalcation. The immediate result of the investigation of the treasury was reform. Among the changes made were the biennial instead of annual election of the treasurer; the requirement of a bond, approved by the governor and the speakers of the House and Senate, to the amount of $250,000, to be given by the treasurer before entering on the duties of his office; an itemized account of receipts and expenditures to be reported to each session of the legislature and to be pub-

lished with the laws; monthly settlements with the comptroller; the deposit of money on hand in the banks; the inspection of the Fund for Internal Improvements and the Literary Fund by the comptroller; and the registration and endorsement of the state's bank stock by the secretary of state.

By far the most difficult financial problem prior to 1836 centered around the redemption of the currency issued during the Revolution and the years immediately after and the relation of the state to banking enterprises.

How perplexing was the situation in regard to the currency is shown by the following statement of the finances for the year 1788.

	Money of 1783-'85	Certificate	Cont'al Doll's	State Doll's	Remarks
Receipts					
Balance	£ 6,745. 5.3	£ 65,227.14.11	13,231	408,068	Continental bills were rated with certificates at 800 to 1; state dollars likewise; £1 equivalent to $2.50, face value.
Arrears	54,131.18.8	45,329.10. 8			
		56.12. 2			
		204.10. 8			
Taxes	£35,862.14.3	£ 28,475.16.10	32,315	169,476	
		16. 2. 4			
		84.14. 4			
Total	£96,739.18.2	£139,394.11.11			
Expenditures for arrears...	£60,877.3.11	£ 90.12. 8			
		110,557. 5. 7	160,112	431,919	
Current exp. incl'ng sinking fund burned..	27,555.10.9	80. 1. 1			The certificates, including contin'tal and state dollars reduced, charged to expenditures represent redemption, for they were punched or burned with exception of £90.12.8.
	£88,432.14.8	215.19. 3			
		221.16. 9			
		£111,360. 8. 5			
Balance	£ 8,307. 3.6	£ 28,034. 8. 6			

The relation of the state to the four kinds of circulating medium in the above table was not uniform. There was no obligation to support the continental and state dollars, for the former had been issued by the Continental Congress and had been in part funded by the paper money issued by the state during the Revolution; while the latter, which composed the revolutionary issues, had been repudiated as a tender in the payment of debts in 1783. But they were still receivable for taxes and their contraction was desirable; hence large quantities were burned each year by order of the finance committee of the legislature. But the obligation to the state currency of 1783 and 1785 and to the certificates was different; the former

had been issued by the state as its standard money; the latter were promises to pay, bearing interest, and the honor and credit of the state required their redemption.

The confusion in the certificates, their great depreciation, and the interest accruing from them demanded careful and thorough consideration. In 1788 a tax of 3s on each 100 acres of land, 9s on the £100 value of town lots, and 9s on the poll was levied in state or continental dollars, bounty certificates at 800 to 1, specie certificates at their nominal value, or currency certificates at the legal rate of depreciation, as a means of redemption. Thus the state and continental dollars were to be contracted along with the certificates. The next year a more specific measure for "redeeming the certificates and paying the domestic debt" was enacted. This provided for calling in all the certificates by January 1, 1791, and replacing the genuine ones with new certificates, to be redeemed by a tax of 1s on the 100 acres, 3s on the £100 value of town lots, and 3s on the poll; and the money in the treasury not reserved for some other purpose was also to be used for redemption. The report on the reissue, made in 1792, showed that £49,301, 9s. 4d. of new certificates had been put into circulation and that there was an outstanding interest debt of £38,372, 16s. 9d. The next law concerning certificates was that of 1794 which made them receivable for land grants at the rate of 50s per 100 acres and required a second filing of certificates, but excepted from the benefits of the law were the Warrenton certificates of 1786 and those issued by Patrick Travers, of Cumberland County. In 1799 a third registration of certificates was ordered, to be completed by December 1, 1800, and all certificates not registered by that date were forever barred from redemption and were not to be received in any payment made to the state. The amount registered was £16,598.5.11 and the accrued interest was estimated at £32,000, increasing at the rate of £1,000 per annum. In 1801 the principal of the certificate debt was estimated at £15,000 and the treasurer was authorized to purchase that amount and to issue new certificates for interest due, but the results were not published. In 1802 another purchase was authorized at the rate of 15s to each £ of certificate; again, the result is unknown.

In the meantime the sale of land for certificates went steadily on and seems to have been the principal means of redemption. Just when the process was completed is hard to find for the treasurer never made a special report concerning it; no redemption is mentioned in his annual reports after 1817, though income from land sales continued to be given for several years. The following outline, culled from the treasurers' report, shows this process of redemption:

1795	£10,108, 18s, 5d.	1807	£2,515, 0s, 1d.
1796	£37,043, 19s, 3d.	1808	£2,023, 11s, 9d.
1797	£8,171, 0s, 6d.	1809	£1,694, 17s, 9d.
1798	£4,852, 96s, 2d.	1810	£2,606, 18s, 11d.
1799	£7,134, 9s, 6d.	1811	£2,618, 1s, 4d.
1800	£2,918, 19s, 5d.	1812	£2,550, 10s, 10d.
1801	£4,169, 16s, 0d.	1813	
1802	£5,987, 1s, 1d.	1814	
1803	£4,858, 0s, 7d.	1815	
1804	£5,518, 2s, 9d.	1816	$5,477.55
1805	£3,331, 8s, 3d.	1817	$6,352.56.
1806	£3,643, 5s, 10d.		

The state currency, as well as the certificates, required redemption for three reasons; first, its continuous depreciation, the ratio to specie never being less than two to one; second, no new bills of credit could be emitted to replace the depreciated currency after the ratification of the Federal Constitution; and third, the new standard of currency adopted by the Federal Government made the North Carolina pound, shilling and pence currency an anachronism; indeed, in 1809 the currency of the United States was recognized as the lawful currency of the state, and permission was given to keep the records of the state in dollars and cents, but the state currency was too widely circulated to permit immediately carrying out the latter provision.

The first step toward redemption was the tax of three pence on each £ value of property in the currency act of 1783; in that of 1785, 5s 6d on the 100 acres of land, 1s 6d on the £100 value of town lots and 1s 6d on the poll were levied for the same purpose. During 1786, 1787, and 1788 £27,304, 19s

1d were collected and were burned; worn out currency was also destroyed, making a total of £40,218, 19s 4d retired. But in 1789 and each subsequent year the sinking tax was suspended; doubtless the immediate pretext for this was the tax imposed on certificates, but a larger and more permanent cause was the general antipathy to taxation in the state.

The final method adopted for retiring the currency was the use of dividends from bank stock and the co-operation of banking institutions. The first banks organized in North Carolina were the Bank of the Cape Fear and the Bank of New Bern, which received their charters in 1804. Their combined capital was $450,000, of which the Bank of the Cape Fear had $250,000, and the Bank of New Bern $200,000; the amount of notes and debts of the former was not to exceed $750,000 over the monies on deposit, of the latter $600,000; also the right of the state to subscribe 250 shares in each institution was reserved.

The immediate effects of the banks on finance and commerce were good. Their notes, engraved on silk paper, were exchanged for the ragged state currency. The dividends were promising. So in 1807 the treasurer was ordered to subscribe the number of shares reserved for the state. Soon, however, the banks began to return into circulation the state currency which they had received, offering it in the payment of debts instead of specie or their own notes. Thus specie was hoarded and depreciation of the bank notes set in, for they were redeemed only in the depreciated currency. Two remedies were applied. The first was to levy a tax of one per cent on bank stock held by individuals and to limit excessive note issues by ordering the forfeiture of the charters of the banks, if notes in excess of the amount authorized were issued. This was a conservative measure, enacted in 1809. The next year a radical, almost revolutionary measure was taken. That was the charter of a new bank, to be known as the State Bank of North Carolina, which, it was hoped, would absorb the existing banks and equalize the relation between currency and specie. The charter provided for a central bank in Raleigh with branches at Edenton, New Bern, Wilmington, Fayetteville, Tarboro, and Salisbury, with a capitalization not

exceeding $1,600,000, of which $250,000 were reserved for the state, to be paid for in gold and silver or stock of the United States. In subscriptions preference was to be given to the banks of New Bern and the Cape Fear, and no new bank was to be chartered until the charter of the State Bank should expire in 1830. As the charters of the existing banks expired in 1820 it was intended that their capital would thus be invested in the new institution. Three-fourths of the capital stock was to be paid in specie, one-fourth in paper. The indebtedness by bond, bill, note, contract or otherwise was not to exceed $4,800,000 above the amount on deposit, and all such liabilities, also debts due the bank, were to be redeemed in gold and silver upon judgment in the courts. After the bank went into operation the state currency should not be received as legal tender in payment of debts to the bank, but the state's dividends should be used to redeem the paper currency when presented to the bank. Thus the redemption of the outstanding paper money was provided for along with new banking facilities.

As subscriptions for stock in the new corporation were not as liberal as was expected, the charter was amended in 1811 by extending its duration until 1835, allowing the bank to withhold 4 per cent of the interest on unpaid stock subscribed by the state, and by exempting the stock and dividends from taxation, provided that the bank would, for one year, from December 18, 1816, to December 18, 1817, take up and exchange the paper currency of the state for bank notes or specie at the rate of 10s for $1.00; on compliance with this provision, the governor was authorized to issue a proclamation that the paper money was no longer a legal tender except to the bank, and the bank should return the currency to the state as dividends on the state's stock.

Thus the redemption of the state currency was provided for and in 1816 the state's financial transactions began to be reckoned in the currency of the United States instead of the state currency. How much of the state currency was retired by the State Bank in the year 1817 is unknown; the amount redeemed by dividends from 1813 to 1824 inclusive was £93,915.

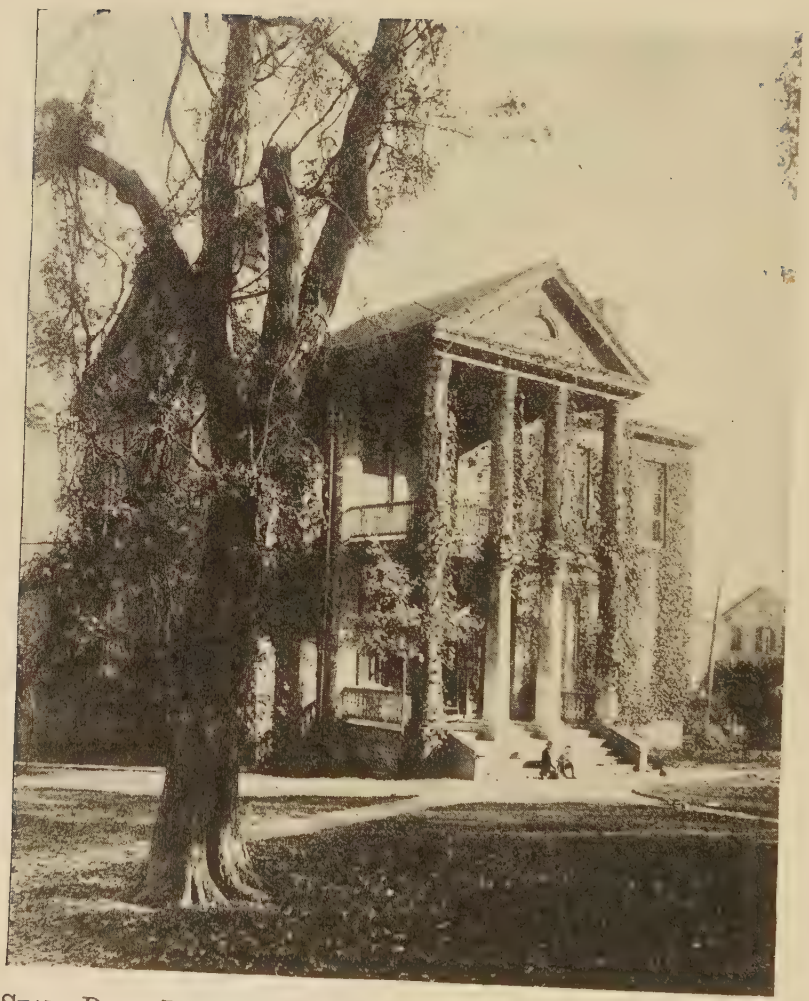
CHAPTER VII

BANKING PROBLEMS, 1804-1835

Inflation—Depression—Liquidation

The state currency was disposed of through the co-operation of the banks. But the old evils of inflation and depreciation, which had characterized the long experience with paper money in all its forms, were perpetuated. The chief difference was that instead of paper money, the bank notes were the cause of confusion and commercial depression. Two influences contributed to this condition. First of all, there was a rapid increase of banking capital. In 1804 the total authorized capital was $450,000 with the right to issue $1,350,000 of notes. In 1810 the authorized capital was increased to $2,050,000 and the possible note issues to $6,150,000. However, the operation of the banks was not so extravagant as these provisions might suggest, for their notes stood the strain of the second war with Great Britain well. Said a legislative report of 1817: "When the banks to the west and the south of New England suspended specie payment, the notes issued by the State Bank of North Carolina became in a general degree a continental currency. In Georgia they were at par, received and issued by the banks of that state. In South Carolina they were always at par, except occasionally in the city of Charleston, where they were subject to a small depreciation. Everywhere else they bore a premium, often a considerable one."[1] In 1816 the notes of the North Carolina banks were in demand in the money markets, being quoted at a premium in Philadelphia, and in 1817 specie payments were resumed by the banks.

[1] Report of A. D. Murphey on the Banks (Senate Journal, 1817, pp. 89-91).



State Bank Building, Now Rectory Christ Church, Raleigh.

Contemporary with this expansion of the currency there developed a desire for speculation. The more bank notes issued, the greater was the demand for them. This is well illustrated by the re-charter of the banks of New Bern and Cape Fear. In 1814 the directors of those institutions petitioned the legislature for an extension of the charters, which would expire in 1820. The petition was granted on condition that the banks would increase their capital to $800,000 each. In favor of the measure it was argued that the existence of only one bank after 1820, viz.: the State Bank of North Carolina, would create a monopoly and an aristocracy of money which would be dangerous to the liberty of the people. Competition in the banking business was therefore desirable. So the Bank of the Cape Fear was allowed to add 5,250 shares to its capital stock, the bank of New Bern 5,750; of this the state was to subscribe 1,000 shares in each institution, and 180 shares of each subscription should be a bonus, and 410 in each should be paid for in treasury notes, the rest at the convenience of the state with no interest on the deferred payments. The state was to receive dividends on the stock subscribed, but only the margin above six per cent on the stock unpaid for. The life of both corporations was extended to 1835.

Thus an element of confusion was injected into the monetary condition by the issue of $82,000 in treasury notes, with which bank stock was purchased. But the taste for treasury notes, once aroused, could only be satisfied by another issue. So in 1816, when specie was scarce, $80,000 in denominations of less than $1 were thrown into circulation through the State Bank, to be accepted in payments of obligations to the state and again thrown into circulation by the treasurer, and when received at the State Bank were to be credited to the debt of the state to the bank. In the meantime the banks increased their note issues, the State Bank from $145,000 in 1812 to $1,283,677 in 1818; by 1819 that of the Bank of New Bern was $553,180, that of the Bank of the Cape Fear, $739,-935.

The desire for banking investments increased with the inflation of the note issues. In 1817 a legislative committee

recommended an increase in the capital stock of the State Bank and when the directors disagreed, the unsold stock, amounting to 4,240 shares, was by legislative action placed on the market. There was a feeling that the state should assume the entire amount, but this seemed impossible because the directors declared that preference was to be given to small investors and that no proxies would be permitted at the time of subscription. The legislature thereupon resolved that members might purchase shares with money advanced by the treasurer and quietly turn them over to the state. Only 18 shares were thus secured; evidently the legislators exhausted their bids in making personal purchases and neglected the commission for the state. At the next session a bill to increase the capital stock of the banks of the Cape Fear and New Bern was introduced but was lost in the Commons.

In 1819 a third influence, the inevitable result of expansion of the currency and speculation, increased the confusion and created an incalculable depression. That was a rapid return of the surplus bank notes upon the banks, and a drain on specie. Brokers began to buy the notes of the banks and to submit them for redemption in specie, thus greatly reducing the coin in the vaults of the banks. The process and its results are well described in a legislative report of 1819 as follows: "Waggon after waggon was loaded with specie until the banks found, or thought they found, that the facility of procuring specie produced an effect opposite to that which is usual with established credit. The notes were not permitted to circulate, but were collected, and sent in for payment. The specie in the vaults was rapidly sinking and the difficulty of continuing specie payments appeared imminent. The only practicable means were to call on the debtors for payment. To the banks it was not material whether the notes were paid in their notes or specie. The first withdrew their notes from the reach of the brokers. The last enabled the banks to meet them by whomsoever presented. Unquestionably this was the regular remedy, if it were not forbidden by peculiar reasons. But it was represented that the situation of the state did not leave it in the power of its citizens to pay these debts without the most ruinous sacrifices of property and universal distress.

This distress the banks were obliged to occasion or hazard the credit of their institution. Thus situated, they adopted the alternative which they believed the less mischievous. * * * They refused specie to brokers but paid them off in drafts of the North to the South. The distinction between brokers and others was too minute to be steadily observed; others have, no doubt, been refused subsequently, or have found difficulty in procuring specie for notes presented."[2]

The above quotation is notable for two reasons; first, it was made in 1819 at the beginning of the great financial crisis which swept over the South and West and gives a favorable construction to the suspension of specie payment by the North Carolina banks; secondly, it was an official, legislative report, the spirit of which was a contrast to the radicalism which was manifest in the legislature a few years later.

Unfortunately the suspension of specie payment did not put an end to the pressure on the banks. The brokers had recourse to the courts and secured judgments forcing payment in specie. The banks had either to close their doors or to increase the amount of specie. For the latter purpose several questionable methods were resorted to. One, practised by the State Bank and the Bank of New Bern, was to refuse accommodation to customers unless payment should be in specie; as illustration, a loan of $1,000 in notes would be made on condition that the principal and interest should be paid in specie. As the bank notes were discounted at 5 per cent and the rate of interest on the bond was 6 per cent, it was charged that 11 per cent interest was being exacted, which was usury. Another expedient, used by the State Bank and the Bank of the Cape Fear, was to buy their own notes outside the state at a figure higher than the market price as a means of "appreciating the notes and giving them greater currency." The same institutions also purchased stock of the Second Bank of the United States as a means of securing funds equivalent to specie. Moreover, the president of the State Bank in 1822 and 1827 bought cotton with the bank's funds, selling for specie at a profit in 1822 but at a loss in 1827. This was not

[2] Senate Journal, 1819, pp. 121-124.

State Treasury Notes

an irregularity merely; it was a violation of the bank's charter.

By such means the banks endeavored to protect their notes without calling in their loans. The state also offered aid; the legislature in 1820 authorized the purchase of bank stock with the surplus money in the treasury, and in 1821, 153 shares of the State Bank were bought, 53 of the Bank of New Bern, and 108 of the Bank of the Cape Fear. In 1823 further support of the banks was given by the issue of $100,000 of treasury notes, which were to be a legal tender for all financial obligations to the state. These were then thrown into circulation and bank notes and specie received in exchange were to be invested in bank stock. Accordingly 24 shares in the State Bank, 330 in the Bank of New Bern, and 680 in the Bank of the Cape Fear were purchased in 1826. The Literary Board also came to the aid of the banks by purchasing 204 shares of the State Bank, 141 of the Bank of New Bern and 50 of the Bank of the Cape Fear. But all these measures proved ineffective, for in 1825 a powerful influence began to operate which forced a resumption of specie. This was the Second Bank of the United States. In 1825 the branch at Fayetteville began to make payment in its own notes only, but received the notes of the local banks unreservedly, and in 1827 "branch drafts" were offered in exchange for the notes of the North Carolina banks. The result was that the Second Bank secured large amounts of notes of the North Carolina banks, submitted them in demand for specie, and the banks were forced to comply with the demand. The banks, outgeneralled in the game of finance, were forced to call in their loans, which amounted to $5,500,000, while their notes in circulation had shrunk to $1,500,000. In December, 1828, the stockholders of the State Bank met and a committee recommended a wind-up of its business, but action on the report was postponed until the following June.

Undoubtedly some practices of the banks were clear violations of the charters; others if adopted to-day, when general banking laws have been worked out, would cause the prosecution of bank officials. There was ample material for a political attack on the banks based on their relation to the

state, and an audience was at hand consisting of the debtors who were being forced by the banks to meet their obligations. When the legislature of 1828-29 met a joint committee made an examination of the affairs of the banks. Its report was two-fold: that of the majority, after reviewing the questionable methods introduced into the banking business during the past few years, recommended that the banks be compelled to meet their obligations in specie. That of the minority magnified the indiscretion and violations of banking rules into extortions of the people, in the following manner. First, the payment of part of the subscriptions for bank stock in personal notes instead of in specie was characterized as a fraud. Referring to the additions to the capital stock of the banks of New Bern and Cape Fear the report said: "It is in evidence to the undersigned that the whole of the additional stock was manufactured by the banks themselves, and that, in many instances, favored individuals were permitted to acquire stock by subscribing their names and putting their notes into the bank, without advancing a single dollar for capital. It follows that the whole amount of the interest drawn from the people, on the loans made from this fictitious capital, was a foul and illegal extortion."[3]

Likewise the method by which subscriptions to the stock of the State Bank were paid was censured. Of the capital with which the institution began business, amounting to $1,176,000, only $500,000 was in specie, the rest being bank notes. Also when the remainder of the stock was placed on the market in 1818, sales were negotiated in bank notes. "But the charter," says the committee, "authorized the bank to operate on a real and intrinsic capital, and directed that that capital should be paid into the bank by the stockholders. In the transaction referred to, the bank, by a scribbling process of its own, created capital, and paid off a portion of its debt, by the very act by which it also increased its capital."[4]

The evils of buying stock at advanced rates and of speculation in cotton were also condemned by the minority. The

[3] Report of the minutes and proceedings of the Joint Committee, p. 7.

[4] Ibid, p. 8.

damage inflicted on the people was described as follows: "It appears that the people of North Carolina, having already paid to the banks since they went into operation a profit of $4,000,000 on their stock—stock, too, three-fourths of which was manufactured by the banks themselves in a fictitious and fraudulent manner—that having paid this immense sum, exceeding four times the amount of actual capital stock ever paid into the bank according to law, they still hold the notes of the people for more than $5,000,000, about four times the amount of the whole circulating medium of the State. Thus it is in the power of the banks absolutely to extinguish the currency of the country, and when they have taken every dollar out of circulation, still to have a debt against the people to the amount of about $4,000,000. * * * The communication from the stockholders of the State Bank now before the committee, expresses the opinion that it is for the interest of the stockholders to withdraw their money from the bank, and take it under their own management; and contains a resolution by which they have proclaimed their determination to assemble June the next, in order to wind up their affairs; and, consequently the affairs of the people of North Carolina. Thus, having for years contrived by illegal and fraudulent practices to draw from the people all the profits of their labors, and having by these practices placed the people in an impoverished condition, where they can no longer pay them large profits, they are now preparing by one fell swoop to extort from them the actual means of subsistence."[5]

In conclusion the minority report expressed the conviction that the banks had violated their charters and recommended that the attorney-general institute proceedings against them through the writ of quo warranto, or other legal process.

The question of adopting the majority or minority report led to one of the memorable debates in the legislature of North Carolina. Mr. Potter, chairman of the joint committee and leader of the minority, submitted a bill directing the attorney-general to bring quo warranto proceedings against the banks, the trial to be conducted by the Supreme Court

[5] Ibid, p. 10.

with a jury, and in case of a verdict of guilty, the Court was to take over the affairs of the banks and the governor was to pledge the faith of the state for the redemption of the notes and debts of the institutions. The opposition to the bill was led in the House of Commons by William Gaston and David L. Swain, who threw some light on the conduct of the banks different from that of the minority report. Mr. Swain showed that the expansion of banking capital was due to pressure of the legislature, while Gaston took up a number of specific accusations against the banks. In reply to the charge of accepting illegally notes for subscription to bank stock, he showed that the amended charters of the banks of New Bern and the Cape Fear did not require specie to be paid for the new stock and that subscriptions made to the State Bank in paper (promissory notes) were necessary because at that time the other banks had a monopoly on the specie in the state. Thus expediency, not a desire to defraud, caused this violation of sound banking: but a modern reader of his speech must be surprised at the claim that offering notes redeemable in specie was equivalent to paying in specie. Gaston also maintained that requiring those who applied for loans to pay the principal and interest in specie was not usury, for the intention of the banks was not to get unlawful interest but to preserve specie, and the specie so obtained was soon paid out in redemption of their notes. Practically, however, any one must see that the practice imposed a burden on the debtor equivalent to usury. As to the remedy proposed, a dissolution of the banks, Gaston made the following criticism, the most cogent part of his speech:

"Do you wish to produce a forfeiture of the charters? The effect is a dissolution of the corporations—a complete extinction of their existence. And when this takes place, what is the conditon of our country? Upon the dissolution of the corporation—upon its civil death I state the law to be, and I state it with an entire readiness to pledge on the correctness of this statement, my professional reputation, whatever it may be—I state the law to be, that the lands of the corporation revert to those from whom they came—that the personal chattels are taken by the State, for the want of

an owner—and that all debts due to or from the corporation are completely and forever extinguished. Suppose the Bank Corporations dissolved, then, and what is the condition of our country? The debtors are indeed released—they may be benefitted by the tremendous catastrophe. But what of the value of the million and half of the bank notes in circulation? They are converted into rags. What the value of your 7,027 shares of bank stock? Whence will come your available funds to carry on the operations of government? How are you from an impoverished people to raise the necessary revenue?'' [6]

In reply to Gaston Mr. Alexander took the position that the debts due the banks would, on the dissolution of the corporation, become the property of the state which would make proper disposition of them, citing the seizure of loyalist property during the Revolution. Gaston, in rejoinder, showed that loyalist property was not the property of citizens but of aliens, while banking property was the property of citizens and by a decision of the courts the property of citizens ''is placed out of the power of the collective body of the people and no act of the General Assembly could impair property rights, nor could the legislature provide a new penalty for the punishment of past deeds, for that would be a violation of the charters, retrospective law making, a revolutionary principle in North Carolina and a violation of the federal constitution.''

The argument of Gaston was by far the ablest of all the defenders of the banks. Indeed the opposition to the program of the radicals was so strong that Mr. Potter modified his bill so as to make the State Bank alone the object of prosecution and to have the state guarantee its debts. After some discussion of the amended bill the vote was taken. The result was a tie which was broken in favor of the opposition by the ballot of Mr. Settle, the Speaker of the House of Commons.

The charters of the banks were thus saved from judicial procedure, but the conflict between radical and conservative finance took a new form the next year. The banks of New Bern and the Cape Fear petitioned for an extension of their charters so as to give their debtors easier terms in settling

[6] Debates on the bill directing a prosecution of the several banks.

their accounts, the bill being introduced by Mr. Gaston. The radicals opposed the measure; they declared that the banks had known for years when their charters would expire, that they should have taken measures earlier to wind up their business, and that an extension of the charters would not help the people but merely accommodate the banks and in the light of their misdemeanors such a favor should not be granted. Again the most convincing argument was made by Gaston. He showed that the sentiment of the stock holders was to make over the banking property to trustees immediately and wind up the business; that the proposed extension of the charters was suggested by a legislative committee which had been appointed at the last session to examine into the affairs of the banks; and that the measure would be in the interest of the people. Mainly to Mr. Gaston's argument was due the success of the movement for extension. As finally shaped, the law provided for an extension of the charters of all the banks until 1838; prohibited new loans by the State Bank after September 1, 1830, by the others after December 31, 1834; forbade any accommodation loans after September 1, 1830; limited the installments on the existing debts to not more than one twentieth each ninety days and also prohibited the issue of bills under $5 after December 1, 1832, or any denomination after December 31, 1834, and required the redemption of one third of the existing debts by December, 1834; allowed the bank stock to be received in payment of debts; and dividends of capital stock might be issued after January 1, 1833. The State Bank was also allowed to reduce the number of its directors and the tax on the stock of the other banks was to be abolished after 1834.

The second financial issue of 1829-30 was the establishment of a new bank. This problem was an imperative one on account of the approaching dissolution of the existing banks. In the discussion there was a long and bitter conflict between the influences of sound and radical finance. The matter was opened by a bill for a Bank of the State presented by Mr. Martin, of Rockingham County. The capital of the proposed institution was to consist of all property and stock of the state not otherwise appropriated, including lands,

bank stock, funds and notes due to the state, etc.; its officers were to be elected annually by the legislature, its loans were to be made on real estate or discount notes with two indorsements, and the funds available for loans were to be appropriated among the counties in proportion to the amount of taxes paid, with a trustee in each county to negotiate the loans and to represent the bank; and cash with which the

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bank would begin operations should be procured by the issue of state bonds to the amount of $300,000, which should be sold for specie, and the state should be reimbursed by the profits of the bank.

In support of this bill the experience of other states was cited, notably that of Alabama and Georgia. It was also argued that the bank would receive on deposits funds realized from the state's stock in other banks and that the production of gold in North Carolina would enable the directors to secure a large amount of the precious metal which would be con-

verted into specie. In the Senate, although the evils in the plan were ably exposed by Mr. Meares, the bill was carried by a vote of 33 to 25. In the Commons there was a vigorous and successful opposition, Swain and Gaston again making the most effective arguments. Swain advanced the objection that the notes of a bank founded on assets of the state would violate the clause of the Federal Constitution which forbade the states to issue bills of credit, while Gaston emphasized the inherent danger of the state undertaking the banking business. Most remarkable, however, was Gaston's arraignment of the men who fostered the plan for such a bank as that under discussion. He said:—

"I trust that I shall give no offense, and most certainly intend none, when I state that there are few in this body who possess the accurate information on this subject which is necessary to protect them from error and imposition. The business of banking in a State so little commercial as ours, cannot be expected to be well understood in its principles, much less in its details. Several gentlemen, indeed, avow themselves to be unacquainted with the subject and they are of course obliged to rely on the judgment and fidelity of those who can advance higher pretensions. If, unfortunately, those should prove blind or treacherous guides, how can their followers hope to escape from injury?

"But there is far more danger to be apprehended than want of knowledge. Honest ignorance is often associated with prudence, which like those wonderful instincts bestowed by a bountiful Creator on inferior beings, performs its salutary purpose with a certainty beyond the reach of enlightened reason. * * * Our perils arise chiefly from other quarters. They arise from the time, from selfishness, and above all from the love of popularity. Among the consequences which have resulted from excessive banking in this state, few are more prominent than the breaking down of those who have freely availed themselves of the accommodations it offered. Some of these individuals are deserving of our best sympathies. * * * But such are not all. Unquestionably there are many who, bankrupt in reputation as in fortune, turn to patriotism as a trade and strive to win place and make

money by pandering to the prejudices of the ignorant, the hopes of the necessitous, and the wishes of the vicious. Is it strange that these should project schemes by which new money-factories are to be erected—offices with fine salaries created —and the means of tinkering broken characters and supplying squandered estates, made abundant and easy? Is it singular that they should find a ready hearing with the yet larger number of those who, embarrassed but not broken, alarmed but not despairing, seize eagerly upon every suggestion that promises a change of creditor, or a postponement of the demand, awaiting some lucky chance till a gold mine or a lottery ticket shall rescue them from threatened ruin? Or is it extraordinary that those, who are themselves free from selfish or impure motives, should catch by contagion the sentiments disseminated around them and rashly pledge themselves to plans which they do not understand but which they are assured are to produce incalculable benefits to their neighbors and friends?

"Perhaps even these are not the principal sources of the unwise views which seem to prevail. There is a fashion in political whimsies as in the fancies of dress, which if adopted without examination, runs its course and then passeth away. Banks of the States have been lately the fashion around us. All of them have not yet broken, and thus made manifest the wretched materials of which they were constructed. And why should we not have banks of the State also? This I am convinced, sir, operates most powerfully to produce the delusion which I lament, and which it is my anxious wish to dispel. And as the novelties of dress most strongly attract those who long to catch woman's smile, and please woman's eye, so the novelties of legislation are most readily adopted by the politicians who are eager in the race for popular favor. As no strength of understanding secures the young gallant from the absurdities of the mode, so neither sense nor principle protects from pernicious but fashionable political errors, him who is over solicitous to please the people."[7]

The opposition to the bill was aided by a technicality: the

[7] Debates on the bill for establishing a Bank of the State.

10
BANK of the STATE of NORTH CAROLINA
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text of the bill as presented had some gaps regarding the amount of capital of the proposed bank; it was therefore sent back to the Senate as not "perfect" according to the rules of the legislature. The Senate, however, declared the bill perfect; again the House referred the bill to the Senate, when the gaps were filled in, but by that time the matter was adjusted. Gaston, Swain and other leaders of the opposition in the House had secured strength enough to secure indefinite postponement by a vote of sixty-seven to sixty-three.

The movement for a bank on the funds of the state was again defeated in the sessions of 1830-31, 1831-1832, but in 1832 the State Bank declared a stock dividend of 50 per cent and was nearly ready to close its doors. This made some new provision for banking more urgent than ever. Six bills for a new bank were introduced in the session of 1832-33; that of Mr. Barringer was finally adopted with some amendments. It provided for a Bank of North Carolina with a capital of $2,000,000, one half of which was to be subscribed by the state; the officers were to be elected the first year by the stockholders, thereafter by the legislature. The institution thus outlined was not organized, the reason therefor being that the private stock was not subscribed, capitalists not caring to be a party to an institution whose officers would be elected by the legislature. So at the next session the charter was remodeled. A new name, Bank of the State of North Carolina, was chosen; its charter was to extend to 1860, the capital was fixed at $1,500,000 to be paid in gold or silver or their equivalents, of which the state was to subscribe two fifths; the number of directors was fixed at ten, of whom four should be appointed by the state, and the treasurer of the state should be a member *ex officio*. The bank was to open its doors when one half of the stock should be paid in, but no dividends should be declared until the entire stock was sold. The note issues were limited to twice the amount of capital.

At the same session the charter of the Bank of the Cape Fear was extended until January 1, 1855, with a capital of 8,000 shares, and its debt limit was fixed at $1,600,000 above the amount on deposit. Private banks at New Bern and Edenton were chartered at the same session.

The evils and controversies which arose from the early experience in banking suggest certain questions pertaining to the relation of the banks to the state, the currency, and public opinion. First of these is the value of the state's investment in bank stock. The table on the opposite page shows the total income from each bank, the amount of the state's actual investment, and the resulting profit.

Clearly the investments of the state in bank stock yielded a large profit. Also the state's stock contributed to the growth of new economic and social projects through the Fund for Internal Improvements and the Literary Fund. To the former were appropriated the state's dividends from the Banks of New Bern and the Cape Fear in 1821, while in 1825 the additional stock in these banks purchased with the treasury notes of 1823 was made a part of the Literary Fund. However, the internal improvement policy of the state was a notorious failure, and no expenditures from the Literary Fund were made for schools until 1839. Also the policies of the banks, already reviewed, were not conducive to prosperity among the people; and when the people suffer, any prosperity on the part of the government is very nominal.

The extent to which the currency was inflated can not be determined; but it is certain that the amount of notes in circulation was not so great as the charters of the banks would permit. Also, in 1825 and thereafter, when the influence of the Second Bank of the United States was felt, there was a gradual contraction of the notes in circulation, the issues of the State Bank declining from $1,598,673 to $655,156, those of the Bank of the Cape Fear from $776,417 to $235,460, and those of the Bank of New Bern from $677,597 to $325,444.

An unique feature of the inflation of the currency was the issue between the years 1825 and 1828 of treasury notes by the state. Although the constitutionality of issuing them was questioned, notably by Gaston, no step was taken in the courts to test their validity. They were gradually redeemed

	No. Share	Cost	Stock Dividend*	Profit of Stock Dividend	Regular and Bonus Dividend	Taxes	Total	Total Profit of State
State Bank	3,050	$136,206.50 †2,400.00	‡$286,788.00	$148,181.50	$465,611.00		$752,399.00	$ 613,792.50§
		138,606.50						
Bank of Cape Fear	2,122	83,540.00 64,600.00			143,764.00	107,198.00	251,962.00	103,822.00
		148,140.00						
Bank of Newbern	1,959	100,810.00 33,000.00	157,111.80	23,301.80	151,944.74	116,762.35	452,717.89	291,907.89
		133,810.00						
	7,131	$420,556.50	$443,899.80	$171,483.30	$761,319.74	$223,960.35	$440,078.89	$1,009,522.39

* By stock dividends is meant the amount returned to stockholders when the bank closed up business preparatory to dissolution.

‡ In making settlement with the State Bank, the state contended that a dividend should be declared on 8 shares of stock subscribed, but unpaid for. The bank held that such dividend should be applied to debt of the state. The matter was referred to the Supreme Court, which handed down a decision in favor of the bank. The Court also held that the dividends of 1831 and 1832 were properly stock dividends and the capital of the bank was impaired when they were declared. (State vs. Bank, 21 N. C. Report, 545.) Freeman was appointed to open the matter, and the defendants were ordered to pay the State $17,964.83.

§ In 1835 the State claimed that taxes should be paid out of the stockholders' dividends not the general fund of the bank; thus leaving a larger sum for dividends to the State. But the Supreme Court would not support the plea. (State vs. Bank of the Cape Fear, 21 N. C. Reports, 216.)

and the redemption was a strain on the treasury in years when the state was facing a deficit. The following table shows the process of redemption:

Total Issue

1814	$ 82,000
1816	80,000
1823	100,000
	$262,000

Amount Burned Yearly

1819	$943.34	1827	$9,303.76
1821	7,710.00	1828	17,781.89
1822	9,784.52	1829	19,971.85 1-2
1823	6,310.51 1-4	1830	21,601.61
1824	5,696.25	1831	29,811.77
1825	12,170.89 3-4	1832	18,681.38 3-4
1826	15,392.46	1833	10,565.41
1827	15,523.98	1834	5,138.22

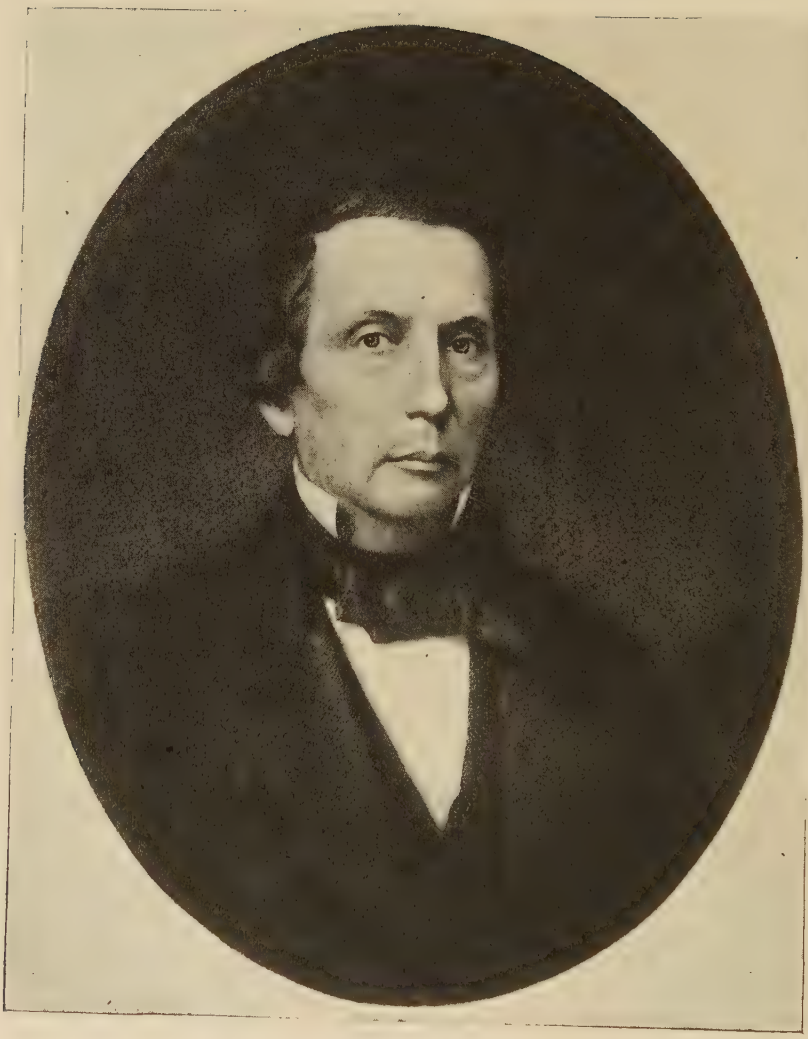
Finally, the cleavage between the forces of conservatism and radicalism in adjusting the banking problem was deep and lasting. Illustrative of this is the fact that Swain and Gaston, the leaders of the conservative faction, were later leaders of the anti-Jackson movement in North Carolina and that the issue which caused the greatest defection from Jackson in the state was his financial policy of 1832. Thus sound financial policies were one of the fundamental bases of the whig party in North Carolina.

CHAPTER VIII

THE AGITATION FOR CONSTITUTIONAL REFORM AND THE CONVENTION OF 1835

For forty years after the ratification of the Federal Constitution late in 1789, the most important issue in North Carolina was that of revising the State Constitution of 1776. The demand for reform, frequently voiced and as frequently stifled, gradually became more insistent until by 1830 it overshadowed all other questions, impeded plans for social and economic improvement, produced the dilemma of reform or revolution, and culminated in the constitutional convention of 1835. The causes of the agitation were various; they may be classified in three groups,—forms of government incompatible with the growth of democracy, local sectionalism and economic reform, and minor social and political issues. However these causes were not separate and distinct; they were clearly related to each other, the influence of one reinforcing the agitation of the others until finally the entire state was convulsed over the problem of constitutional revision.

The first cause of discontent, forms of government out of harmony with the advance of the democratic ideal, is made clear by certain provisions of the Constitution of 1776. "All political power is vested in the people and derived from the people," said the opening clause of the Bill of Rights. In contrast certain clauses in the Constitution placed restrictions on the exercise of political power by the people. The governor was required to possess in freehold lands above the value of £1,000, members of the Senate 300 acres or more, and members of the House of Commons 100 acres. The landed class was thus given a monopoly on the legislature and the executive. Regarding suffrage there was a compromise. To vote for state senator a citizen was required to possess fifty



David L. Swain

acres, but to vote for members of the House of Commons payment of taxes only was necessary. Of these qualifications the 50 acres for senatorial suffrage and the 100 for membership in the Commons were survivals of colonial practice; that requiring senators to possess 300 acres was an innovation.

Another requirement of the Constitution which also proved inadequate was the dependence of the executive on the legislature. The governor was elected annually by the General Assembly; he also had no veto power, and any independence of action on his part was checked by a council of state, appointed by the legislature, whose advice was official, and whose records were open to review by the legislature. Thus the office of governor was deprived of prerogatives it had enjoyed in the colonial period. Other executive officers, the treasurer, the comptroller, and the secretary of state, were also elected by the legislature. Nor did the judiciary fare much better. The judges were elected by the legislature, and the justices of the peace were appointed on the nomination of the county members of the legislature. The judges held office during good behavior, but the permanence of their salaries was not guaranteed, and there arose a strong feeling that the independence of the judiciary was not secure.

The test of years soon revealed serious defects. Among these was the absence of a strong, independent executive, a weakness caused by the dependence of the executive on the legislature. William Hooper is reported to have said that "the governor was given just enough power to receipt for his salary and even this was left in the hands of the General Assembly." Annual elections brought forth many candidates; the dead lock and the dark horse were the result. Said Mr. Speight in 1835: "No member knows until he gets to Raleigh who will be the candidate for that office. Sometimes three or four candidates will be run and so many days spent without either obtaining a majority; and then probably by some arrangement among the members one of the lower candidates in the former ballotings may be elected." [1] A greater evil was the annual term which gave the governor no time to initiate

[1] Proceedings and Debates of the Convention of North Carolina, p. 334.

ideas or to formulate a constructive policy. The result was that the office of governor was too often sought as a stepping stone to higher honors. Says a pamphlet of 1833: "Is the office of governor oftener coveted for its own sake or a stepping stone to other stations of preferment in the gift of the legislature? Does it comport with the dignity of the office that the incumbent shall be forced to win it by personal electioneering among the members of the Assembly?" [2]

There were also evils in the legislative system. The Constitution did not fix the time of sessions; custom made them annual. The result was all the evils of over-legislation. The law became diffuse, obscure, and uncertain. Statutes whose value was questionable were often enacted with the intent of repealing them the next year if they proved unsatisfactory. There were thus frequent changes in the law, and, as roads and mail service were poor, the knowledge of a statute often barely reached the people before it was repealed or superseded by another. The scope of legislative action was also very wide. Many of the present-day duties of local government and the courts were performed by the General Assembly. Among these were the opening of roads, the construction of bridges, the granting of divorces, and the legitimization of children. Here was an opportunity for the local Solons. Desiring fame or re-election, they introduced many bills of a purely local nature which were often modified or repealed to meet the demand of popular opinion. There was a strong tendency for local legislation to occupy most of the time of the General Assembly. The session of 1833 may be taken as an example. It lasted nearly three months, enacted thirty-two public laws, one hundred and fifty-five private acts, and fifty resolutions. Such a record caused criticism in all parts of the state.

Besides producing inefficiency in the law, annual sessions were the cause of increasing expense. As new counties were formed, the number of members increased. Thus in 1776 there were only thirty-six counties which, together with the boroughs, elected 114 senators and representatives; in 1833

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[2] Address to the Freemen of North Carolina, etc., p. 8.

the counties had increased to sixty-four and the number of legislators to 199. Moreover as membership expanded, there was a tendency for the sessions to become longer. The expense of legislation therefore increased. In the early years of statehood the annual expense of the legislature was $15,000; by 1830 it had increased to $40,000. Under the existing condition of the finances this was a burden. In 1833 the treasurer estimated the total expense of the state government at $160,000, the available resources at $140,000, and the largest single item, the cost of the legislature, at $42,000.

In addition to these larger constitutional issues, there was also a demand for minor reforms—such as equalization of the poll tax among whites and blacks, prohibiting members of the legislature from holding office under both state and federal governments, and shortening the term of office of the attorney general from life to a number of years. Equally important in the agitation for reform were certain political and social issues,—borough representation, religious disabilities for office-holding, and free-negro suffrage.

Of these institutions and customs, borough representation was by far the oldest. It illustrates the transfer of British institutions to Carolina. The Charter of 1663 authorized the Lords Proprietors to give "letters patent of incorporation with all liberties, franchises, and privileges requisite and useful within this our kingdom of England, granted or belonging." As there was neither vigorous commercial life nor distinct economic interest to be specially guarded during the colonial period, the only reason for establishing boroughs was to encourage town life and to perpetuate British institutions. Nine boroughs were incorporated, viz.: Newbern, Bath, Edenton, Wilmington, Brunswick, Halifax, Salisbury, Hillsboro, and Campbelton. In these suffrage was limited to freeholders or householders, and representation to freeholders. By 1776 there was a widespread discontent with the borough franchise, and in the Constitution the franchises of Bath, Brunswick and Campbelton were not perpetuated; but, as a concession to commerce, the privileges of Newbern, Wilmington, Halifax and Edenton were continued. However, these were eastern boroughs; to conciliate the west the franchises of Hillsboro

and Salisbury were also preserved; and in 1789 the convention which ratified the Federal Constitution revived the franchise of Campbelton, changing the name of the borough to Fayetteville.

By 1835 there was a strong feeling that borough franchise must go. For this there were several reasons. One was the general decline among the eastern boroughs. Their commerce did not flourish and their population did not increase. In the convention of 1835 this criticism was well stated by Mr. Wilson of Perquimans, an easterner: "If it be true that this right of representation is essential to the protection of their interests, why has not the fostering care of the legislature for more than fifty years been able to prevent them from sinking into ruin? Halifax, sir, is gone; Edenton is gone, and Newbern is not far behind * * * but, sir, it is said that there are mysteries about this trade and commerce that only mercantile gentlemen can understand. Why, then, sir, do they not send here merchants instead of lawyers or doctors?"[3] Of more weight than this were the violence and abuses in the borough elections. Said Mr. Smith, of Hillsboro: "Has the moral condition of the borough towns been improved by the privilege which they possess of sending members to the legislature? On the contrary, the annual elections, it is notorious, in most of the towns are productive of feuds, quarrels, and bloodshed. Mechanics and others are excited by the parties interested in such elections, business is neglected, and the morals of the people are corrupted."[4] Similar criticisms were made by delegates from Halifax and Wilmington.

The provisions of the Constitution regarding religion were no more satisfactory than borough representation. While they had no large place in the agitation for reform, they illustrate some of the prejudices of the past and the inadequacy of the Constitution for actual conditions. Three principles were fixed in 1776; that there should be no established religion, that no minister of the gospel while in the active discharge of his pastoral duties should be a member of the legislature or the council of state, and that no one who denied the

[3] Proceedings and Debates, pp. 34-35.
[4] Ibid., 36.

"being of God or the truth of the Protestant religion, or the divine authority of either the Old or the New Testament, or who shall hold Religious principles incompatible with the freedom and safety of the State," should hold office or position of trust. The sources and meaning of these clauses are not uniformly clear. The prohibition of an established church is natural in the light of the ecclesiastical controversies of the colonial period; but the disability of clergymen while in the active discharge of their duties is peculiar, as Dr. David Caldwell was a member of the Congress which framed the Constitution and other clergymen did much for the Revolutionary cause. A similar provision in the constitution of Delaware suggests that the restriction was the result of general ideas rather than a particular grievance. The denial of the Protestant religion or the divine authority of the Old and New Testament as a disability is at least vague. Did it contemplate the establishment of a test oath? What was meant by the term Protestant religion?

The prohibition of an established church never raised any question, but the application of the other two clauses was sometimes a source of irritation. As the Constitution did not state when a minister should be considered in the discharge of his pastoral duties, the way was left open for a conflict between a political and an ecclesiastical interpretation thereof. In 1801 John Culpepper and William Taylor were expelled from the State Senate because of their ministerial activities; Culpepper then entered federal politics and was elected to Congress. In 1820 Rev. Josiah Crudup, Baptist, was found to be a "regular ordained minister," preaching the gospel, administering baptism, and performing the marriage ceremony, and it was therefore recommended that his seat in the Senate be vacated. Mr. Crudup's defense was that no Baptist minister was a pastor until he became the head of a congregation, and such he had never been, that he had never received money for his services, and that he had not performed any religious sacraments since his election. But the view prevailed that any ordained minister was in a pastoral function, and his seat was vacated. Like Culpepper, Mr. Crudup turned to federal politics, was elected to Congress in 1821 from the Eighth Dis-

trict, and served one term. He was succeeded by Willie P. Mangum, but in 1825 he opposed Mangum's re-election. Mangum won by a vote of fifty-six, and is reported to have considered Crudup the most formidable opponent he had ever known.

The denial of religious ideas as a disability was never put into practice. Catholics, free thinkers, and Jews held offices of honor as well as Protestants. But there was prejudice against all non-Protestants, especially against non-Christians, and there were some attempts to use this prejudice for political purposes. A notable case was that of Joseph Henry, a Jew, who was elected to the House of Commons from Carteret County in 1808. The following year a resolution was presented that he was not entitled to a seat because he denied the divine authority of the New Testament. After a long debate, in which Mr. Henry made a speech that was widely circulated, the resolution was rejected. Thus toleration triumphed when it was pitted against persecution. But by 1835 disabilities based on religious conviction had become entirely ineffective, for in 1834 William Gaston, a Catholic, was elected to the Supreme Court. The contrast between the theory of the Constitution and political custom was apparent to all. It did much to spread a conviction that the Constitution was not perfect, and the revision of the thirty-second article was therefore undertaken.

The question of free negro suffrage was peculiar. Its origin is obscure, evidently due to that clause in the Constitution which gave all free men the right to vote for members of the House of Commons. Individual free negroes attained eminence in religious and industrial life. But by 1830 there was a movement to restrict the liberties of free men of color, and the question of denying them the suffrage was naturally injected into the movement for constitutional reform, although there was no distinct agitation of the matter.

By all odds the greatest issue in the movement for constitutional revision was that of local sectionalism and economic reform. The cleavage between the eastern and western counties, so apparent in the days of the Regulation, still existed. An irregular line, including the present eastern

boundary of Granville, and extending thence along the western boundaries of Wake, Harnett, Cumberland, and Scotland counties, divided the state into two factions. The counties to the east were more numerous, and as the Constitution apportioned representation equally, two representatives and one senator to each county, they had a majority in the legislature. This supremacy became unjust in the light of economic conditions. The average size of the western counties was greater than that of the eastern, their resources were larger, their development more rapid. Population, outlined in the following table, illustrates the inequality.

	West	Increase	Per Ct.	East	Increase	Per Ct.
1790	159,752			234,297		
1800	219,904	60,152	37 9/10	258,179	23,882	10 2/10
1810	263,219	43,315	19 7/10	292,280	34,101	13 2/10
1820	308,139	44,920	17 1/10	330,690	38,410	13 1/10
1830	374,092	65,953	21 4/10	363,896	33,206	10

These figures show that at each decade there was a larger increase in population in the west than in the east until in 1830 the west surpassed the east. Moreover, between 1820 and 1830 there was a decline of population in three eastern counties. In defence the east pointed to its larger wealth, for its taxes were greater than those paid by the west.

However, if representation be viewed from the interests of the state at large, it was clearly unjust. According to the assessment of 1815 eight counties, eastern and western, (Gates, Columbus, Lenoir, Ashe, Haywood, Perquimons, Pasquotank, and Tyrrell) had a total land value less than Rowan, a large western county, or Halifax, a large eastern county; yet these eight counties chose sixteen representatives, Rowan and Halifax four each (boroughs included). By the assessment of 1833 thirty-three of the sixty-four counties contributed less than one-third of the state's revenue; forty did not pay taxes enough to cover their cost to the state, yet they had a majority in the legislature. Indeed there were twenty-four counties whose aggregate expenses more than doubled their public taxes. There were twenty that did not

pay into the treasury enough to meet the expenses of their representatives in the legislature; twelve paid an aggregate state tax of $5,400, while the expenses of their representatives averaged $8,000 per annum. Population from this state-wide view showed similar results. In 1820 twelve small counties sent thirty-six members to the assembly; Rowan and Orange, two western counties, sent six, but the population of the two groups was approximately equal. In 1833 thirty-three counties, with little more than one-third of the total population, sent ninety-nine members, but on the basis of white population they had larger representation than thirty-one counties with more than two-thirds of the white population.

One remedy for this inequality was to increase the number of western representatives by dividing the large counties. But the east was opposed to any reduction of its political power, and the organization of new western counties was usually followed by an increase in the east. From 1776 to 1833 eighteen counties were organized in the west, while fifteen were formed in the east. This small gain of three counties was by no means strong enough to overthrow the sectional majority. As time passed the organization of new western counties became more and more difficult, because the territory available for corresponding counties in the east was gradually exhausted. Astuteness on the part of western leaders was always necessary to secure the organization of a new county. A favorite method to secure eastern votes was to name the new counties for eastern leaders; thus Burke, Caswell, Iredell, Ashe, Moore, and Macon were named for active eastern men, and Buncombe, Stanly, and Davie for deceased leaders of the east. How acute was the sectional hostility to new counties is illustrated by events in 1822 and 1823. A bill was introduced and passed to create the new County of Davidson during the session of 1822; the next year every eastern man who voted for it failed to be re-elected. Among these was Ex-Governor Miller, of Warren, who was defeated by Gen. M. T. Hawkins, on the ground that a new western county endangered the interests of the east and placed the Constitution of the state in jeopardy.

As the creation of new western counties was checked, the

only hope for a more equitable representation of the west lay in the revision of the Constitution by a convention. The agitation for reform is almost as old as statehood itself. Much of the literature relating to it has been lost; but the perspective of years outlines distinctly certain landmarks.

First of these was in 1787. Eleven years had passed since equal representation had been embodied in the State Constitution. The great question of ratifying the Federal Constitution was now before the people. On the legislature devolved the duty of summoning a convention to consider federal relations. In the Senate a group of members hoped to refer to the convention the question of local constitutional reform. Indeed they were able to carry a resolution for a joint committee to investigate the changes that were needed and to report to the convention, but the measure was lost in the Commons. The reforms specified were a change in the system of representation and less frequent sessions of the legislature. Later authorities state that members of the legislature, who had been members of the Convention of 1776 which framed the Constitution, with one exception favored the resolutions looking to reform and that their rejection was due to the representatives from the seven trans-montane counties that soon became a part of Tennessee. Was this a log-roll by which the far western counties were promised the aid of the east in the movement for separation in return for votes against reform? In spite of failure in the legislature, the reform proposition was brought up in the convention of 1788; again it was defeated, according to tradition, by the votes of the trans-montane counties.

No sooner was the issue of ratification of the Federal Constitution settled in 1789 than the question of reform again appeared. In 1790 a committee of investigation was appointed in the Commons, but there was so much lack of agreement among its members that no plan of action was recommended. At almost every session for a number of years there were resolutions and debates on reform. The sectional issue even influenced the location of the capital. The convention of 1788 authorized the General Assembly to select a permanent seat of government within ten miles of the Hunter plantation in Wake

County. But the instruction was not carried out because the Cape Fear and western members favored Fayetteville. In 1790 a bill to carry out the instruction was carried in the Commons by the deciding vote of the Speaker, Stephen Cabarrus, an eastern man, but was rejected in the Senate by the casting vote of its Speaker, Wm. L. Lenoir, a western leader. The next session of the legislature was then ordered to meet at Newbern; there the eastern influences were strong enough to pass a bill locating the capital in Wake. Tradition says that the success of the east was due to the votes of the trans-montane counties; was this also a log-roll?

The controversy over the capital lends interest to an effort for reform in 1808, when Jesse A. Pearson of Rowan introduced the following resolution in the Senate:

"Whereas representation should bear an equal ratio with taxation and population, whereas frequent sessions are unnecessary and expensive, whereas public interest and commerce would be promoted by removal of the Seat of Government from Raleigh to Fayetteville, resolved that a law be made for calling a convention," etc.

This resolution in so far as it coupled removal of the capital with constitutional reform was no more than a threat, for it was not introduced until the last day of the session. It was laid on the table, but it forecasts the effort to unite the issues of a new capital and that of reform, which marked the agitation of 1832.

The next aggressive action was in 1811. John Reid, senator from Lincoln County, introduced comprehensive resolutions which provided for biennial sessions and elections, and the apportionment of representation in the Senate according to districts and in the House of Commons according to counties. The Senate sent a message to the House advising that the resolutions be printed, which was agreed to. Yet in spite of this auspicious opening and Mr. Reid's able argument, the Senate, on December 6th, rejected the resolutions by a large majority.

Five years later, in 1816, the cause of reform received its first able literary expression. The militia officers of Rutherford County petitioned the Senate on the constitutional ques-

tion. Their memorial was referred to a committee of which Archibald DeBow Murphey was chairman. Its report, written in the unmistakable style of Murphey, was a dignified statement of principles as well as needs.

Another effort toward reform was made in the Senate of 1819 by Duncan Cameron. For three days his resolutions, which called for the popular election of the governor and sheriffs, biennial sessions, revision of representation and the submission of the convention question to the people, were debated; by a vote of thirty-six nays to thirty-two yeas they were defeated. Similar resolutions introduced into the Commons by Mr. Mangum were also rejected. The following year John A. Cameron of Fayetteville submitted a resolution in the Commons for a convention, which was postponed indefinitely. Then in 1821 Charles Fisher of Salisbury introduced resolutions in the Commons that representation should be apportioned according to free white population and taxes; these were rejected by the large vote of eighty-one to forty-seven.

The agitation from 1819 to 1821 was very intense. A later authority says the whole state was convulsed from mountains to sea. Finding their efforts for reform of no avail, the leaders of the movement decided to appeal directly to the people. A caucus of western senators and representatives was held during the last days of the legislative session of 1822. A popular convention, to meet at Raleigh in the following November, was deemed the best way of crystallizing public sentiment. An election of delegates was recommended, and to conduct the campaign a general committee of correspondence was appointed, and the members of the legislature were authorized to appoint local committees in their respective counties. An address to the people was drawn up, of which 10,000 copies were ordered to be printed.

Twenty-four out of twenty-six counties appealed to responded by sending forty-seven delegates to Raleigh on November 10, 1823, just ten days before the meeting of the General Assembly. General Montford Stokes was elected president. The work of the convention was done by three committees; one which examined the condition of population and taxes, one which drafted amendments to the Constitution,

and one which formed a plan submitting the proposed reforms to the people. The reports of these committees reveal a cleavage among the leaders of the reform movement. In the committee on amendments the delegates from the extreme west, where there were few slaves, favored free white population as the basis of representation, while those from the central west, where slaves were more numerous, desired that federal numbers, whites and three-fifths of the blacks, be made the basis. The plan of the central counties prevailed, the committee recommending that 4,000 federal population be made the unit of representation in the Commons and 10,000 in the Senate. Adopting federal numbers not only alienated the extreme west; it also robbed the convention of all claim to be a popular movement, for the committee on population and taxes showed that on the basis of federal numbers the body represented 272,431 people, 11,833 less than the unrepresented population; while on the basis of white population 233,333 were represented, a majority of 33,954. The same committee also found that the taxes of the represented counties were nearly $10,000 less than those of the unrepresented counties. Clearly, unless white population were adopted as the basis of representation, the convention itself was not a representative body. Moreover, its proposed adoption of federal numbers would be of little benefit to the extreme west; it would merely unite the central slave-holding counties and the east, and thus block all future efforts at reform. Yet the proposed amendments were adopted by the convention. According to the report of the committee on submitting reforms to the people, the issues were to be voted on at the next general election, when delegates should also be chosen for a second convention, on the basis of federal numbers.

After a week's session the convention adjourned. Its cause was undoubtedly a just one, but the cleavage between the extreme western and the central counties was fatal; also the resort to a second convention smacked too much of revolution. Consequently there were no effective results. The General Assembly, which met two days after the convention adjourned, did nothing. The campaign for ratification and a second convention was a failure. Not enough delegates were elected to

organize a convention—even the approval of Thomas Jefferson, published in the papers of the time, had no effect.

During the next six years the convention agitation subsided. For this there were several reasons. One was undoubtedly the failure of the movement in 1822 and 1823. Another was the intense interest in national politics, notably the presidential campaigns of 1824 and 1828, and the nullification issue, also the excitement over certain state questions, notably the conduct of the banks and the policy adopted toward them. By 1830, however, forces were at work which revived the interest in constitutional reform. Western influence was strong enough in the legislature of 1830 to secure the election of Montford Stokes, prominent in the agitation of 1822-23, as governor over Richard Dobbs Spaight, an eastern leader. Two years later David L. Swain, of Buncombe, was made governor and held office until 1836. Also a new set of leaders was rising to prominence. In the legislature of 1831 there were 101 new members, 27 in the Senate and 74 in the Commons. The burning of the capitol in the summer of 1831 also opened the way for obstruction to its rebuilding at Raleigh unless the convention question were referred to the people. The economic situation also caused protest. The census showed that the rank of North Carolina in population had declined from third among the states in 1790 to fourth in 1800, 1810 and 1820, and to fifth in 1830; also the western counties had by 1830 outstripped the east in population. A profound sense of depression, of laggardness in economic development, was widespread. The remedy seemed to be a more liberal policy of internal improvements on the part of the state, one that should bind together all sections by transportation facilities and so develop the latent economic resources. Yet in spite of popular demands for internal improvements and the recommendations of the Board of Internal Improvements nothing was done. The chief cause of inactivity was the intense sectional partisanship which prevented any united action in behalf of the state at large. Clearly some reform in representation, which would allay sectional strife, was necessary before North Carolina could take any forward step in industrial development.

These general influences lend intelligibility and interest to

the last years of the agitation for reform. In 1830 resolutions in the Commons for a convention were, as usually, postponed. The Board of Internal Improvements also advised larger appropriations for its work but received no assistance. The next session the west attacked the reform problem in a new way. The capitol building at Raleigh burned in the summer of 1831. A movement was immediately started to block any appropriation for rebuilding unless concession on the convention question was made, and, in order to win the support of the Cape Fear counties, the west agreed to the removal of the capital from Raleigh to Fayetteville. The alignment of factions on this issue is well told in a letter of the time:

"There are five parties here. The largest (but it does not constitute a majority) is for rebuilding the capitol and is opposed to a convention in every form. This may be named the Eastern party. The next in point of magnitude is the Western party; they want a reconstruction of our constitution with respect to political power, and want no more, but will either keep the government at Raleigh or remove it to Fayetteville, as one or the other will favor their great end. The third in point of size is the Fayetteville party; their main object is removal, but they are willing also to go for a general convention. The two others are of about the same magnitude, the Northwestern and Southwestern parties. The former want a modification of the constitution, but are utterly opposed to a removal; the latter want removal but resist the alteration of the constitution."[5]

The first step of the coalition of the west and the Cape Fear faction was to defeat the appropriation for rebuilding at Raleigh. The debate, which lasted through December, 1831, into January, 1832, was mainly a series of arguments on the propriety of removal and a constitutional convention. Those opposed to the bill, who also favored removal and a convention, found their principal argument in the economic value of Fayetteville. Raleigh was but a country town without trade or industry; the legislators there in session received no influence that would remove provincialism and prejudice; as Fay-

[5] Ashe, James Paton (N. C. Hist. Commission).

etteville was a commercial centre with a large trade, a removal of the capital to it would bring the members of the legislature into contact with commerce and give them an acquaintance with its advantages, would stimulate the cause of internal improvements and open a new and larger era in the development of the state's resources. However, the friends of rebuilding at Raleigh had much the stronger arguments; they pointed to the doubtful constitutionality of removal, the violation of public faith with the people of Raleigh who had paid to the state $62,000 for land lots, the uncertainty of navigation on the Cape Fear, the central location of Raleigh, and the expense of a convention. Although these facts enlisted the best talent of the legislature, the appropriation bill was defeated, losing in the Commons by three votes. Having prevented rebuilding at Raleigh, the western faction introduced a bill for a convention to revise the Constitution and consider the removal of the capital, but it was indefinitely postponed in the Commons, where introduced, by sixty-nine to fifty-six.

The following session, 1832-33, the coalition of reform and removal failed. A joint committee on reform was appointed. An attempt was made in the Senate to have it consider removal, but it was defeated. The sight of the ruins of the old capitol and the doubt of the legality of sessions not within the city limits of Raleigh were powerful arguments for rebuilding; so the appropriation bill was carried. Seeing no hope for the success of the convention bill, the friends of reform decided to appeal to the people. A meeting was held on January 4, 1833. Its chairman was General Polk of Rowan. Among those present were some large-minded eastern men, viz.: William Gaston of Craven, David Outlaw of Beaufort, William H. Haywood of Wake. Resolutions were adopted that the sheriffs at the next election take the poll for and against a convention and report the vote to the legislature. A committee to frame an address to the people and committees of correspondence for the various counties were then appointed. Accordingly the vote on the convention issue was taken in thirty-one counties, the result being 30,000 for a convention and 1,000 against it. The returns were sent to the legislature by Governor Swain in a strong and effective message. A joint

committee on reform was appointed. A majority of its members were from the east, and they were able to force a compromise. The west sacrificed its superiority in numbers by granting that no county should be denied representation in the lower house on account of small population and that no large county should have more than two in the same house. The eastern members, on the other hand, conceded reform not by convention but by legislative initiative. This would throw the movement into the hands of the east, which controlled the legislature. Consequently the report of the committee was not acceptable to a majority of the western members, and it was rejected.

In the meantime the issue of internal improvements had become imperative. The need of better transportation facilities was apparent in all parts of the state. During 1832 and 1833 a number of railroad conventions were held and just before the session of 1833-34, a convention representing forty-eight counties met in Raleigh. Resolutions were adopted which recommended for the east the connection of Edenton with the Dismal Swamp and of Beaufort Harbor with the Neuse River, and railroads from the Roanoke to South Carolina and from the mountains to the sea. A memorial embodying these plans was presented to the legislature by the convention, which appeared before the legislature in a body. Here was a measure that would benefit all sections of the state. It was referred to a joint committee of both houses. The Board of Internal Improvements also recommended some action. Nothing was done because of the clash of sectional interests. The session of the legislature, an unusually long one, ended with neither the mandate of the people concerning constitutional reform nor that on internal improvements being heeded.

A wave of indignation now swept over the state. The western members of the legislature held a meeting and appointed a committee to frame an address to the people. A large number of newspapers in the east criticised the lack of action on the part of the legislature. In the west revolution was threatened. Said the *Carolina Watchman:*

"If the General Assembly does not submit the inequalities

of our constitution to the people in some formal mode, we of the west are determined to go to work without the behest of that body. We admit the experiment is dangerous—if the people were less virtuous, it would be immensely so—but we think the spirit of your fathers which bore them through the trials of the Revolution is still sufficiently with us to secure us against the perils of faction. Mark it, my dear Sir, cost what it will the experiment will be made immediately after the rise of the next Assembly if some measure of reform does not pass."[6]

This threat of revolution, the change in the attitude of certain eastern leaders and newspapers, and the demand for a charter of a railroad from Raleigh to Wilmington, to which the west would consent only on condition that the convention question be referred to the people, were effective in the legislature of 1834-35. A bill providing for a convention to consider specific reforms was submitted to the people for approval. As any change in representation was to be made on the basis of federal numbers, the measure was really a compromise in favor of the slaveholding counties of the east. Yet in the popular vote which was taken in April, 1835, all the eastern counties gave majorities against the convention bill, while all the western counties save Person showed majorities for it.

The vote cast was the largest in the history of the state up to that time, 48,377, and the majority for the convention was 5,165. At a second election delegates were chosen and the convention met on June 4, 1835.

The political and constitutional issues before the convention were undoubtedly the most important between the ratification of the Federal Constitution in 1789 and secession in 1861. The personnel of the convention was worthy of the task. Among the members, two from each county, were most of those then living who had achieved political distinction, and many of the rising generation who were to attain eminence before 1861. The venerable Nathaniel Macon, who had retired from public life in 1828, appeared as delegate from Warren

[6] *Raleigh Register,* July 29, 1834.

County, and was made presiding officer. From Warren also came Weldon N. Edwards, later secretary of the Secession Convention. From Craven were sent Judge Gaston, in personality and influence second to none, and Richard Dobbs Spaight. Halifax sent another member of the Supreme Court, Joseph J. Daniel, and an ex-governor, John Branch. Delegates from the east representing the rising generation were Asa Biggs, of Martin, Kenneth Rayner, of Hertford, and William B. Meares, of Sampson. Among the members from the west were Governor Swain, of Buncombe, Calvin Graves, of Caswell, David Barringer, of Cabarrus, John M. Morehead, of Guilford, Alfred Dockery, of Richmond, Charles Fisher, of Rowan—all just rising to influence—and the veteran politicians, Josiah Crudup, of Granville, and Meshack Franklin, of Surry.

On one reform only was the convention explicitly directed to take action, that of representation; it was authorized to consider at its will other questions, viz.: the abolition of free negro suffrage, disqualifying those holding federal office to accept office under the state government, equalizing the capitation tax on slaves and whites, new methods of appointing and removing militia officers and justices of the peace, compulsory *viva voce* voting in the election of officers of the legislature, the abolition of religious restrictions on office holding, provision for vacancies in the legislature caused by death or resignation of members, biennial legislative sessions, biennial term for governor, triennial election of secretary of state and attorney general, election of the governor by the people, and of the attorney general for a term of two years, providing a tribunal for impeachment, vacating the commissions of justices of the peace found guilty of crime, removal of judges for mental incapacity by a resolution of the legislature, preventing reduction of salaries of judges during their continuance in office, restriction of private legislation, disqualifying judges while in office from eligibility to other office except the Supreme Court, and providing a method for future amendments. The convention referred these matters to a committee of twenty-six for preliminary consideration and then debated in committee of the whole the clauses favor-

ably reported. The discussions were illuminating; they made clear the ideals of an old order then passing away and those of a new one just rising to ascendancy.

The first reform considered was that of borough representation, an excellent example of conflicting conceptions of political values. The defence of the institution was that simple justice required every distinct interest to have representation in the law-making body; as agriculture was represented through county representation, commerce and large property interests should receive recognition by borough representation. Moreover, there were special public problems, such as quarantine, inspection, and pilotage, which were said to demand representation. Governor Swain, a leader of the liberal forces, stated that the convention bill itself was carried by the vote of the boroughs and it was also conceded that many of the ablest legislators in the past had been representatives of boroughs. Although the apologists made the longer and the abler argument, the silent, powerful sense of collective democracy was stronger, and after efforts at compromise by retaining representation for the eastern coast towns, the borough franchise was abolished. Thus the conception of class representation, a heritage of the British constitution, was discarded, and the American conception of direct popular representation gained strength in the fundamental law of North Carolina.

On the kindred question of abolishing county representation the debate was long and tedious. The mandate of the law authorizing the convention was that the Senate be reorganized to consist of not less than thirty-four nor more than fifty members elected by districts which should be laid off in proportion to taxation, and that the House of Commons should also be reorganized to consist of not less than 90 nor more than 120 members to be elected either by counties or districts, or both, according to federal numbers. The report of the committee favored 50 for the Senate and 120 for the House. It met bitter opposition from certain of the eastern leaders who feared the ultimate result would be western domination and extravagance in the matter of internal improvements. It was realized that the larger the number of representatives

the relatively greater would be the strength of the large western counties, doubtless giving the west a majority; although the apportionment of the senators according to property would give the east an immediate majority in the upper house, that majority might be lost at a later apportionment, and the west would thereby dominate in both houses. This might result in a tax system weighing heavily on the east and extravagant appropriations for railroads in the west. In fact it was admitted by western leaders that they favored railroad development with state aid. In reply Mr. Wilson of Perquimans exclaimed: "It turns out now that the west wants the power in their hands, not because Lincoln, Orange, etc., were unequally represented in the legislature, but because they want to construct railroads, canals, etc., to give them an outlet to the ocean. But what benefit would accrue to the West if they had an outlet? Very little, sir; for nine-tenths of their land is exhausted, and not worth cultivation, contrasted with the hundreds and thousands of acres annually brought into market in the southwestern states."[7] Likewise, Spaight, another eastern leader, regarded western plans for internal improvements as chimerical. "Such a scheme," he declared, "is not only idle and visionary, but perfectly impossible. In the first place, we have not active capital enough at our command to make it; but if we had, and it were made, and we were to concentrate all the produce of the State, it would not yield a profit sufficient to cover the expenses. Gentlemen will tell us about the great profits arising from Railroads. It is not transportation which yields this profit, but the money received from passengers."[8] Undoubtedly the chief influence in settling the problem of representation was that of Judge Gaston. Coming from an eastern county, whose values were depreciating, he had participated in the agitation for internal improvements and was also magnanimous enough to realize the justice of giving the west a larger representation. By careful calculation he estimated that the proposed reform would give the east a majority in the Senate and the west a majority in the House of Commons. His influence

[7] Proceedings and Debates, p. 99.
[8] Ibid., 123.

was sufficient to swing enough eastern members to vote with the west to carry the reform. It was also Gaston who suggested the provision that the first new apportionment of senators and representatives be made in 1842, the second in 1852, and others at intervals of twenty years.

The proposals for biennial sessions of the legislature and popular election of the governor did not receive so extended debate. The opposition to change, however, was strong. Macon declared that annual sessions were essential to the preservation of democracy. "If you can put off the meeting of the Legislature for two years, you may extend the time to four, six, or ten years." Governor Branch also pointed out that annual sessions "were well calculated to keep in check Federal usurpations. The powers of the General Government are constantly increasing; and American liberty depends on the preservation of State Rights and State Powers."[9] The educational value of annual elections, as a means for the interchange of ideas among the people and their information, was also pointed out. "In the Northern States," said Carson of Rutherford, "the people have the advantage of free schools and education is more universal. Here, we are not so generally educated, and therefore need all the benefits of knowledge derived from these and other sources. Collision of sentiments elicits the truth * * * and when the people know the truth, they have no other interest than to do right in public affairs."[10] Above all was the English tradition of annual Parliaments as a check against oppression by other organs of the government.

As for popular election of the governor, such a measure was held up as demoralizing in its political results. Said Gaston: "Establish the scheme of an election of Governor by General Ticket, and we shall soon have our Grand Central Committees, District Committees, County Committees, and Captain's Company Committees, and all that vile machinery by which the freemen of the State are drilled into the slaves of factious Chieftains—by which they are deluded into the belief, that they are fighting for themselves, when in truth,

[9] Ibid., p. 165.
[10] Ibid., p. 185.

they are only quarrelling for the selfish interests of designing and unprincipled men. Establish this scheme, and you will greatly increase the violence and bitterness of faction. All the freemen of the State will be brought out, every two years, into a general array against each other. The larger the multitude in which any excitement prevails, the more violent the passions become, by contagious sympathy. In our peaceable State heretofore, we have fortunately had nothing to bring out one half the State against the other except in the election of President." [11]

In spite of these objections, biennial sessions and popular election of the governor were adopted, and likewise *viva voce* voting by the legislature.

Among other reforms proposed none aroused more discussion than the abolition of free negro suffrage. Judge Daniel moved an amendment that those having landed property of 250 acres be allowed to vote for members of the House of Commons. "He was willing to leave the door open for all colored men of good character and industrious habits, as such would find no difficulty in obtaining the necessary qualifications." Arguments in favor of such compromise were the hardship of withdrawing a privilege long enjoyed, the injustice of taxation without representation, and the good results of such a policy in the West Indies during the French Revolution and the evils following its abandonment. In fact, defense of suffrage for the free negro with property qualifications enlisted some of the best talent of the convention—Judge Gaston, Judge Daniel, Governor Holmes, Charles Fisher, Judge Toomer, and Governor Branch. On the other hand the rising tide of pro-slavery sentiment opposed any concession to the free negroes. The views of the restrictionists were clearly based on race prejudice. They argued that the free negro could not be a citizen of North Carolina since the state constitution was the work of white men and that negro suffrage was a custom usurped after the Revolution. To allow the privilege to continue was held dangerous because the negro was by nature unfit for citizenship and elections were corrupted because the

[11] Ibid., p. 338.

negro vote could be bought. If the privilege continued, North Carolina might become a refuge for free negroes all over the South, since in no Southern state was suffrage permitted them. Moreover since "the moment the free mulatto obtains a little property and is a little favored by being admitted to vote," he will desire a white wife, Mr. Wilson, of Perquimans, moved that suffrage be denied to free negroes and mulattoes within four degrees. However, both compromises, property and blood qualification, were rejected and the right of suffrage was denied by the close vote of sixty-six to sixty-one. Attempt to reopen the question by Judge Gaston later in the session was defeated by nine votes.

By far the most lengthy debate was that on the thirty-second article of the Constitution, which excluded from office or place of trust in civil affairs those who denied the being of God, the truth of the Protestant religion, the divine authority of the Old or New Testament, and those who held religious principles incompatible with the freedom or safety of the state. The committee of twenty-six recommended the substitution of the word *Christian* for *Protestant*. At once great diversity of opinion was in evidence and the discussion lasted five days. At the extreme of conservatism, opposing any modification, was the anti-Catholic prejudice. Mr. Carson, of Burke, admitted that there were some honest Romanists who deserved protection, "but," he added, "in the protection of this one, we must take care we don't let in a thousand dishonest ones. The Roman Catholic is the very offspring of a despot. Our fathers knew what a Roman Catholic was, and were afraid, if they didn't put something of this sort in, they might hereafter have a harder struggle than they had just got out of." [12] Mr. Smith, of Orange, likewise was opposed to any change, holding that the thirty-second article should be kept in reserve "as sleeping thunder to be called out only when necessary to defeat some deep laid scheme of ambition." The most impressive address was that of Judge Gaston. A Catholic, he had recently been elected a member of the Supreme Court in spite of the apparent discrimination against his faith.

[12] Ibid., 242.

Now came the defence of his acceptance of the honor. He pointed out the ineffectiveness of the thirty-second article in that it debarred those who *denied* the truth of Protestantism, which he had never done, and that Protestantism was divided into so many sects that it was impossible to find a universally accepted statement of its truth. All other phases of the issue he discussed in a manner that held the rapt attention of the convention for two days. Especially impressive were his concluding words: "If we rest the fabric of the Constitution upon prejudices, increasing and mutable prejudices, we build upon sand; but let us lay it on the broad and firm basis of natural right, equal justice and universal freedom—freedom of opinion—freedom, civil and religious—freedom as approved by the wise and sanctioned by the good—and then may we hope that it shall stand against the storms of faction, violence and injustice, for *then* we shall have founded it upon a rock." [13]

At the opposite extreme from the radicals stood Macon, who declared that no human power had a right to prescribe any particular opinion as a test of fitness for office. "If a Hindoo were to come among us, and was fully qualified to discharge the duties of any office to which he might aspire, his religious belief would not constitute any objection, in his opinion, why he should be debarred." [14] The votes on the proposed amendment illustrate the divergency of opinion. Mr. Edwards proposed that all religious tests as qualifications for office are incompatible with free government; it was defeated by a vote of eighty-seven to thirty-six. Another member then moved that no person who should deny the being of God should be capable of holding office; it was also defeated by eighty-two to forty-two. Propositions of a similar nature submitted by Holmes and Daniel were also rejected. Evidently the dominant sentiment of the convention favored some constitutional recognition of Christianity, and in the end the amendment introduced by the committee of twenty-six was adopted, which substituted the word *Christian* for *Protestant*, the vote standing seventy-four to fifty-two.

Other amendments adopted by the convention were the re-

[13] Ibid., p. 305.
[14] Ibid., p. 246.

duction of the term of the attorney general from life or good behavior to four years, biennial election of treasurer and secretary of state, the election of militia officers by general law instead of by the legislature, voting *viva voce* in elections of officers by the legislature; equalization of the poll tax, the same to be levied on free males between twenty-one and forty-five years and all slaves from twelve to fifty; exclusion from office of those holding federal offices and also the exclusion of all office holders from the legislature; restrictions on private legislation by placing divorce, alimony, and legitimization of children under general law, likewise the restoration of citizenship to those convicted of crime; and forbidding the enactment of any private law unless thirty days' notice of application for the same shall have been given. Impeachment by the House of Commons and trial by the Senate were also provided for. Amendment of the Constitution was likewise provided for, either by a convention, called by a two-thirds vote of the legislature, or by legislative enactment, the proposed amendment to be approved by three-fifths of the legislature which initiated it, two-thirds of the succeeding legislature, and final ratification by the majority of people. The form of the Constitution was also altered; it was now divided into articles and sections, instead of the continuous forty-six sections of the original.

The convention adjourned on July 11th. Its work was submitted to the people and was ratified by a majority of 5,165. The convention marks an epoch in the development of governmental institutions in North Carolina. It not only made government more democratic, but it also did much to remove the heritage of English conceptions of the basis of government. It lessened but did not abolish sectional prejudice. Undoubtedly a more liberal epoch opened before the state. Questions of economic and social importance now had a better chance. At the same time there was a new alignment of political parties taking place and public questions tended to have a party rather than a sectional interest.

CHAPTER IX

FEDERAL POLITICS, 1824-1836

Jacksonian Democracy and the Origin of the Whig Party

The profound discontent and spirit of revolt illustrated by legislation on trade and education and the movement for constitutional reform were not limited to local affairs. There was likewise dissatisfaction with the rôle of North Carolina in federal politics. In the electoral college the state's vote from 1800 to 1830 was surpassed only by Massachusetts, New York, Pennsylvania, and Virginia; and in 1820, 1824, and 1828, it was equal to that of Massachusetts (15 votes). With the exception of 1808 the North Carolina vote was undivided, yet the state had a small share in the distribution of federal patronage, only one office of high distinction being given to a North Carolinian under the Jeffersonian regime, the Speakership of the House, which was held by Macon for six years. This was a record comparable only to that of Tennessee and Delaware, whose votes in the electoral college were far less than that of North Carolina.

The explanation of this humble place of the state in the party councils was mainly its loyalty. No use of the patronage was necessary to conserve its allegiance. Another cause was subservience to Virginia leadership. Dependence on the Old Dominion for markets produced subordination to Virginia in political affairs. "Already has Virginia as a matter of course on the subject of the coming election," wrote the editor of the *Fayetteville Observer* in 1823, "tacked us to her skirts to follow whither she leads; and without condescending to ask our opinion, placed us on her side of the question. This state of things must be changed. North Carolina must make herself heard and must assert her dignity. She must take an

elevated stand and show to the nation and to her revilers that she has a will. She possesses also the ability to maintain it. * * * It is the same with the states as individuals. Those only who cease to respect themselves, will lose the respect of others."[1]

The leader who contributed most to perpetuate the humble place of North Carolina in national affairs was Thomas Jefferson. To establish his party, he needed the co-operation of New York. This was secured by assigning to that state the vice-presidency, a custom continued from 1800 to 1824 with the exception of 1812. The training school for the presidency was the Department of State, headed in succession by Madison, Smith, Monroe, and Adams. The loyalty of other states to such manipulation was secured by appeal to sectional feeling and by appointments to less prominent offices, the Treasury going to Pennsylvania in 1814, and Georgia and South Carolina being represented in the cabinet from that year. In time the Virginia hegemony produced unrest. "Who could ever dream of being President at this day," wrote Balch, "without an alliance with Jefferson, Gallatin, Macon, and Smith of Maryland, and a host of others who are accounted the patriarchs of the Democratic party? He might as well attempt to train the Mississippi back upon its sources."[2]

Moreover the type of political leadership in North Carolina, especially after the second war with England, showed no vision regarding the interests of the nation or the state. On the whole the North Carolina delegation in Congress was reactionary toward the prevalent nationalizing tendencies. While a majority voted for the recharter of the second bank and the internal improvement bills of 1816, there was no support of the tariffs of 1816 and 1824, and only one member, Vance, of the mountain district, supported the bill for surveys for internal improvement in 1824. Macon, the dominant figure of the North Carolina delegation, was notably out of sympathy with the process of nationalization and his ideal of individualism through states rights, with a strict interpre-

[1] Quoted from the *Western Carolinian*, July 8, 1823.

[2] Balch to Wm. Polk, Jan. 9, 1824 (Polk MSS. Library of Congress.)

tation of the powers of the Federal Government, dominated his North Carolina colleagues.

Restlessness with the New York-Virginia coalition reached a climax in the presidential campaign of 1824. The liberal element in local affairs had secured appropriations for internal improvements, and the western counties were by 1823 at the point of revolt over the question of more equitable representation in the legislature. The time was therefore ripe for protest against the conduct of national politics. Leadership was taken by the western counties in 1823. The *Western Carolinian,* of Salisbury, a newspaper recently established, vigorously advocated the candidacy of Calhoun for the presidential nomination, while Crawford, acknowledged candidate of the Virginia-New York alliance, was strong in the eastern counties. The latter had the support of the *Raleigh Register,* the oldest party organ, and also of Mr. Macon. The principal issue was the political machinery of the day. Since 1796 presidential nominations had been made by a congressional caucus, and in North Carolina presidential electors were nominated by a caucus of the state legislature. Controversy over the matter reached a climax in the legislature of 1823. Charles Fisher of Rowan introduced resolutions instructing the state's senators and requesting its representatives to use their influence to prevent the nomination of candidates for President and Vice-president by the congressional caucus. There followed a long and exhaustive debate, in which the theory of the caucus and also the relative merits of Calhoun and Crawford were ably presented. The principal defense of the caucus was by eastern leaders, Blacklege of Beaufort, Bynum of Halifax (Borough) and Strange of Fayetteville (Borough). The ablest criticism was by Fisher, representing the west, and two eastern federalists, Iredell of Edenton, and Stanly of Newbern. However the resolutions did not have the support of all the anti-Crawford forces, probably because they were based on the right of instruction, a custom which had aroused as much criticism as the caucus. Moreover the resolutions were supported by two federalists and so tended to revive the fires of ancient partisanship. Hence the reso-

lutions were indefinitely postponed by a vote of eighty-two to forty-six, after prolonged debate.

The local political machine was also attacked by Beall of Iredell, in a resolution calling for the nomination of electors by districts instead of the general ticket system. This would rob the legislative caucus of its prerogative and throw the nomination of electors in the hands of the people instead of the state politicians. The resolution was defeated, and before the end of the session a legislative caucus composed of 80 of 196 members nominated a Crawford electoral ticket. The issue of caucus versus the people was thus stated by the *Western Carolinian.* "Freemen of North Carolina! Are you willing to sanction so flagrant a usurpation of your rights and privileges as this aristocratic minority attempted to palm upon you? Shall we tamely yield our election and franchise, and become the willing slaves, the miserable panders of a minority of only eighty members of our Assembly, out of one hundred and ninety-six—who have taken upon themselves to meet in conclave and attempt to forestall the sentiments of near 500,000 republican freemen of the State? No: the slumbering spirits of our Revolutionary forefathers, from the blessed realms of eternity, will rebuke us if we do."

The opponents of Crawford, defeated in the legislature, appealed directly to the people. During the spring of 1824 meetings were held in the various counties which selected presidential electors. Calhoun was at first the favored candidate; but in March, 1824, an aggressive movement for Jackson set in, led by Colonel William Polk and supported by Archibald Debow Murphey and others, and after March 16, by the *Western Carolinian.* The campaign was the most vigorous and exciting since the decline of the federalist party. Ten of the fifteen congressmen attended the caucus that nominated Crawford, while the *Raleigh Register,* organ of the dominant party, and also Mr. Macon, supported him. On the other hand the *Star,* the *Western Carolinian,* and papers of minor importance endorsed the Peoples' Ticket, headed by Jackson and Calhoun. An important factor in the campaign was the federalist element, which endorsed Adams and had an able organ, the *Fayetteville Observer.* As there was small hope of carry-

ing the state for Adams, a compromise was made by which the federalists agreed to support the Peoples' Ticket with the understanding that the electors should cast their vote for Adams, Calhoun, or Jackson, whichever had the best chance for election. The victory of the Peoples' Ticket was complete, winning 20,177 votes to 15,396 for Crawford. An interesting feature of the returns was the sectional alignment of the vote; the Peoples' Ticket carried twenty western counties, four along the coast, and eight in the middle east; Crawford swung the vote of nine western, three coastal, and seven mid-eastern counties,—an alignment very similar to that of the whig and democratic parties a few years later. The North Carolina electors met and cast their vote for Jackson. No candidate having a majority in the electoral college, the election was thrown into the House of Representatives, resulting in the choice of Adams. For him the representative from the Quaker counties of Guilford, Randolph, and Chatham voted.

Although Jackson was defeated, the election had a moral significance in North Carolina. The state had revolted from Virginia leadership. "Henceforth the cant of early times," wrote William Eaton, "which used exceedingly to annoy me, shall be heard no more; it will not in the future be said, that North Carolina floats up or down stream as Virginia may or not. I need not tell you, that this has often been declared and that heretofore in estimating the political course of our state, it has been determined on what Virginia had agreed on; you well know the fact has been so. Now however she has taken a course after her own, and I rejoice at it."[3] The revolutionary tendency begun in the presidential election was reflected in the congressional elections of 1825. Of the fourteen congressmen elected, eight were new members, four of the retiring members having voted for Crawford.

Four years later Jackson again carried the state. Although his majority was overwhelming, the campaign was not without political significance. His opponent, John Quincy Adams, had considerable strength. In response to a demand for more democratic methods of nomination, his supporters

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[3] Eaton to William Polk, Dec. 11, 1824 (Polk MSS.).

called a state convention,—the first party convention in North Carolina. It met in Raleigh in December, 1827. Delegates were present from thirteen of the fifteen electoral districts. William Davidson presided. Gaston made the keynote speech, a committee was chosen to form an address to the people and also to select an Adams electoral ticket. The character of the movement was interesting. Prominent was the old federalist element, led by Gaston. Some of the former Crawford faction also joined in; their views were well represented by the *Raleigh Register*. There were also experienced politicians, Lewis Williams, John Long, W. S. Blacklege, and Dr. David Caldwell. Prominent also was the Quaker element, ably represented by Jonathan Worth, Moses Swaim, and Aaron Coffin. An attempt by the Adams members of the legislature to establish the district system of choosing electors, which might have divided the state's vote, failed. On the other hand the Jackson forces showed a distinct gain in the campaign over that of 1824. Some of the Crawford men of that year now supported him, notably Mr. Macon. The Jackson electoral ticket was made up by district conventions whose nominations were guided by a legislative junto at Raleigh. The appeal made for the respective candidates was not different from that in the nation at large. Jackson carried the state by a majority of 23,939; Adams carried only nine counties, six eastern (Beaufort, Brunswick, Carteret, Jones, Pitt, and Pasquotank) and Guilford, Randolph, and Iredell in the west.

Although the victory of the Jacksonian democracy was overwhelming, unanimity within its ranks was in a few years broken, and a rival political organization, the whig party, came into existence. For the cleavage there were a number of causes. One was the conflict of state and sectional interests. The political and social structure in the United States in the early 'thirties resembled that of an empire rather than a united nation. Three great sections, each with distinct economic interests, contended for mastery in national legislation. These were New England, which desired a protective tariff to support its manufactures, the pioneer West, which demanded cheap land, and the South, which opposed protec-

tion. New England also opposed cheap land, which would induce migration of its laboring population, and offered as an alternative the distribution of the proceeds of land sales among the states for internal improvements and education. Such a policy and its immediate results might have received the support of the South, which needed more funds for domestic purposes; but to diminish federal revenue by distribution would undoubtedly create a greater dependence on the tariff and so aid the cause of protection. A similar result might follow if the Federal Government itself should engage in works of internal improvement. Consequently national politics was characterized by sectional bargaining, and the choice before each North Carolina leader was that of supporting the alliance of the South with some other section or of working in the interest of his state, irrespective of sectional alliances.

An early indication of this trend was shown in the federal debates on internal improvement. Since the bill of 1817 providing federal funds for internal improvements, over which the North Carolina congressmen were about equally divided, was vetoed by Madison, the attitude of the state's delegation had become more conservative. Only one member favored the bill of 1824 giving the government the right to make surveys, and the North Carolina vote was uniformly against the internal improvement bills of the Adams administration. Pertinent were the views of Macon. "If Congress can make canals, it can with more propriety emancipate," he wrote in 1818. "Be not led astray by grand notions or magnificent opinions; remember you belong to a meek state and just people, who want nothing but to enjoy the fruits of their labor honestly and to lay out profits in their own way."[4] When Congress made an appropriation for the Delaware and Chesapeake Canal in 1825, he rose in the Senate and said, "I rise with a full heart to take a last farewell to an old friend which I have always loved and admired—the Constitution of the United States."[5]

However by 1830 better means of transportation was a live

[4] Dodd, Life of Macon, p. 310.
[5] Ibid., 345.

issue in North Carolina. At the same time there was a movement for the encouragement of manufacturing. Here was a basis for a new sentiment in regard to internal improvement by federal aid. When the rivers and harbors of North Carolina were included in appropriations, expediency outweighed constitutional scruples; a majority of the congressmen voted for such an appropriation in 1831. Indeed William B. Shepard favored the passage of the Maysville Turnpike Bill over Jackson's veto. However the principle of federal aid was put to the test in the legislature of 1830. Resolutions were adopted in the Commons denying the right of Congress to carry on works of internal improvement within the states, but they were lost in the Senate. A similar fate met the resolution approving the veto of the Maysville Turnpike Bill.

A larger division of opinion prevailed on the kindred matter of the public domain. The desire of the pioneer West for cheap lands and of the South for a lower tariff resulted in a coalition in 1829, led by Calhoun, Edwards of Illinois, and Duff Green of the *United States Telegraph.* By this the South should support a more liberal land policy, and the West in return would aid in the fight on the "Tariff of Abominations." Realizing the existence of this agreement, New England took the initiative. A resolution by Hunt of Vermont in 1829 directed the Committee on Public Lands to inquire into the expediency of distributing the net proceeds of the sales of public lands among the states for internal improvements. This was an offer of financial aid to the South to check its alliance with the West. The attitude of the southern and western coalition toward it was well expressed by Speight, of North Carolina:—

"Take the public lands away from the sinking fund—have a tariff sufficient to prohibit exportation, and, I say, what, sir, is to be the result? Why, sir, direct taxation. And, next to that, follows ruin to the Southern States; our slaves, our land, etc., will be taken and sold to pay the tax. Importation being stopped, it necessarily prohibits exportation, and our staple being cotton, just as much as is wanted for consumption, by the manufacturing states, will be bought at their own price,

and the balance will sink with us * * * I have always had my doubts as to the sincerity of the policy."[6]

In the vote on the resolution, eight of the North Carolina members were among the ayes and four among the nays. Evidently a majority of the North Carolina congressmen were not in sympathy with the southern and western alliance. In the meantime Benton introduced into the Senate a bill for more liberal terms in the sale of land. It received the support of the North Carolina senators, in fact of all the southern senators except two. When it reached the House the North Carolina delegation was divided; five favored tabling the resolution and six opposed such action. Of the former, four were from the western counties, Deberry, Rencher, Shepperd, and Williams; of the latter, four were from the east, Allston, Dudley, Speight, and Hall. There was thus a large minority among the North Carolina congressmen who were opposed to the western and southern alliance. Leadership in opposing the reduction of land prices was taken by Clay, who advocated the distribution of proceeds among the states. In July, 1832, a bill embodying his views passed the Senate, Brown and Mangum of North Carolina opposing it. It was postponed in the House, four of the North Carolina members voting against postponement. The views of the North Carolina minority were well stated by Williams.

> If this public property of the Union should be surrendered, then, (admitting the proceeds of the sales to amount to three millions of dollars) his own state of North Carolina would have to pay from one hundred and fifty thousand to two hundred thousand more than if the Government retained it, in the shape of bounty to soldiers, augmentation of the navy, and paying the current charges of the Government.
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> If these lands should not be equally divided among the states, then North Carolina would lose that amount of revenue entirely; but if, on the contrary, the proceeds were to be equally divided, she would gain that amount. He asked, therefore, whether it was reasonable in the new states to call for the setting apart of the whole of this public property exclusively? Were not the old states asked to do for them what they would be far from doing for the old states? Suppose he should put in a similar claim in behalf of the old states of this Union; would the gentleman from Alabama yield the motion for support. The gentleman, he perceived, shook his head. He knew it must be so.

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[6] Cong. Debates VI, 539.

Then by what rule of equity could the gentleman ask him to do what that gentleman publicly, in his place, declared himself unwilling to do for them? [7]

Another question of importance was the recharter of the United States Bank. Jackson's hostility to the institution, whose charter would expire in 1836, was well known. His opponents decided to make the bank an issue in the presidential election of 1832. Hence the national republican convention, which met in December 1831, endorsed the bank, and on the advice of Clay, Webster, and McDuffie, the officials of the bank applied for a renewal of the charter. If Jackson approved the measure, he would thereby surrender one of his favorite "isms." If he vetoed it, the strongest financial interests in the country would work against him. A bill rechartering the bank was passed in 1832, but was vetoed by the president. Toward the recharter and the veto sentiment in North Carolina was divided. For support of the President there seemed to be ample ground, because the bank, by requiring the state banks to redeem their notes in specie, had undoubtedly forced into liquidation the State Bank of North Carolina, the Bank of the Cape Fear, and the Bank of Newbern, thereby causing great commercial depression. On the other hand, the veto contributed to the existing depression, for the bank and its branches became more conservative in regard to their loans. Moreover one of the needs of the state was a stable paper currency, which the bank alone offered. Hence the sound money element favored the recharter. "Whether right or wrong," wrote James Iredell to Mangum, "that bank is at this time very popular in our state. I believe, indeed I know, it has done us vast good, and as yet we have felt no evils from it. Where is the check upon the state banks if it is not to be found here?" [8] However only four of the North Carolina congressmen voted for the recharter, Barringer, W. B. Sheppard, A. H. Shepperd, and Williams; both senators, Brown and Mangum, opposed it. However William R. Hinton, elector on the Jackson-Barbour ticket of 1832, refused to support Jackson after the veto, and withdrew

[7] Cong. Debates, IX, p. 879.
[8] Mangum MSS.: Iredell to Mangum, Feb. 4, 1832.

from the ticket, regarding the bank as "inseparably connected with the prosperity of the Union and indispensable to the preservation of a sound currency." In the congressional election of 1833 Deberry defeated Bethune, who had voted against the recharter.

In the meantime a rift had developed in the cabinet. The reward of North Carolina's loyalty to Jackson was the appointment of John Branch, former governor and then senator, as Secretary of the Navy. Social matters created ill feeling. Mrs. Branch was one of those ladies of the cabinet who neither

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called on nor entertained Mrs. Eaton, wife of the Secretary of War. After President Jackson appealed repeatedly in behalf of the slighted lady, he decided to reconstruct the cabinet. Secretary Branch's role in the affair showed him to be independent and headstrong as Jackson himself. He had advised the President against the nomination of Eaton on account of probable unpleasant social relations and had even suggested to Eaton the same possible results if he should enter the cabinet. But the advice was in vain, and when Eaton's wife was ignored socially, Eaton became less friendly with Branch. When Jackson found his appeals in behalf of Mrs.

Eaton fruitless, Colonel Johnson brought an ultimatum to Branch, Berrien, and Ingham, that they must retire from the cabinet unless Mrs. Eaton was recognized.

> When he closed (wrote Branch) I well recollect rising from my seat, and with an earnestness of manner which the extraordinary character of the communication was so well calculated to produce, observed, among other things, that no man had a right to dictate to me and my family, in their domestic relations, and that I would submit to no control of the kind. The Colonel undertook to reason the matter with us by observing that, although it might be impracticable to establish intimate and social relations between our families and Mrs. Eaton, he could see no reason why she should not be invited to our large parties to which everybody was usually invited, Tom, Dick, Harry, etc. With the concession he said the President would be satisfied. We protested against the interference of the President in any manner whatever, as it was a matter which did not belong to our official connection with him. Soon after which Colonel Johnson expressed his deep regrets at the failure of his mission, and we separated.[9]

Two days later Branch called on the President and declared that before he would accept dictation in family matters, he would resign. Jackson repudiated Johnson's ultimatum, and disavowed any intention of dictating social affairs, stating that his only desire was to protect Mrs. Eaton. Soon followed an interview with Eaton himself, which proved equally fruitless. The President became less communicative towards the offending members, and finally, after the resignation of Van Buren and Eaton, and acting on Jackson's intimation of a desire to reconstruct the cabinet, Branch also resigned. He was offered the governorship of the Territory of Florida as recompense, but declined, telling Jackson that he had not supported him for the sake of office. Returning to North Carolina, Branch was enthusiastically endorsed by his constituents. Jesse A. Bynum and other aspirants for congressional honors retired in his favor, and he was elected without opposition a member of the twenty-second congress in August, 1831.

In the meantime another issue arose, which overshadowed the land question, the bank, the disaffection of Branch, and

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[9] *Raleigh Register,* Sept. 1, 1831: *Niles Register,* Sept. 3, 1831.

undoubtedly did much to divide the friends of Jackson. That was the question of tariff and nullification.

The dominant political sentiment of North Carolina was hostile to the protective policy. It was the only southern state whose representatives in Congress voted unanimously against the tariff of 1816. Similar action was also taken towards the acts of 1824 and 1828. That the vote in the latter year registered the sentiment of the state is attested by a resolution of the legislature of 1827, which declared that "whenever a system is adopted by the general government which does not equally serve the interests of all, then the right rests with any state to question whether the benefits of the Union are not more than counterbalanced by its evils." Nullification, advanced by South Carolina as a possible remedy in the "Exposition," received some approval, especially by that element in the western counties which in 1824 had endorsed Calhoun for the presidency. Cooperation with South Carolina on the ground of commercial ties was advocated by the *Western Carolinian.*

> There is not a day on which we do not see passing through this place (Salisbury) either from this or some other counties of this state, wagons going to South Carolina, with full loads of something to sell. The fact is, that our trade to South Carolina is nearly, if not altogether as valuable to our people, as is our foreign trade; in truth it is a great deal more so to all the western counties. As a proof of this we may adduce the fact that scarcely have we a dollar in circulation other than South Carolina bills. How do these get here? They are not blown here by the wind. For every dollar of South Carolina money some of our citizens exchange a dollar's worth of something or other they had to dispose of; this is the way they come among us. Now, how much more valuable would this trade be to us, if South Carolina was not crippled by the tariff? If trade was free as it ought to be, the people of South Carolina would employ themselves more exclusively in raising the staples for the foreign market and buy from us their provisions; where we now sell one dollar's worth of our products we would then at least sell five for they would be able to buy from us.[10]

Elsewhere in the western counties nullification was condemned, notably in public meetings on Independence Day,

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[10] *Western Carolinian,* Dec. 31, 1832.

1830, at Ashboro, Hillsboro, and Fayetteville. The legislature of 1830 gave an opportunity to test the conflict of opinion. In the House of Commons Jonathan Worth introduced resolutions which, slightly amended, declared that "although the tariff laws as they do now exist are unwise, unequal in their operations, and oppressive to the southern states, yet this legislature does not recognize the right of the individual states of this Union to nullify a law of the United States." After a spirited debate the resolutions were adopted, the opposition being led by Sawyer, Bynum, and Mebane of Bertie. In the Senate no action was taken on the resolution. During the next two years tariff and nullification were widely discussed in the press and public meetings. In the dominant sentiment both were condemned, but fear of disunion overshadowed hatred of the tariff. Typical were the words of Gaston:— "The people may disapprove the tariff but they love the Union more."

Jackson was not held responsible for the failure to revise the tariff of 1828. By November 1832, Congress had made no reduction, and South Carolina adopted an ordinance of nullification. North Carolina was now forced to take a definite stand. In the legislature an avalanche of resolutions appeared, in which were represented every shade of opinion from the extreme of nationalism to the most radical particularism. Of the latter, the resolutions of Sawyer were typical; they declared the Union was a compact between the states, the violation of which each state must decide for itself, that nullification was the proper remedy against which the Federal Government could not use force, and that a national convention should be called to settle the controversy between South Carolina and the Federal Government. On the other hand the resolutions of a joint committee, to which was referred a communication from South Carolina, condemned the tariff as unconstitutional and nullification as revolutionary and subversive of the Constitution.

The debate revealed a variety of opinion. A minority led by J. A. Hill defended the protective principle. Opposition to nullification included, as well as professed nationalists, many who believed that sovereignty was in the states and

that secession was a constitutional right. Among the people the drift of sentiment was overwhelmingly against the policy of South Carolina. Mr. Macon, then in retirement, voiced the conservatism of the east when he declared that a state could not nullify and remain in the Union, but could secede on paying its part of the national debt. Love, a western leader who had been a member of the convention which ratified the Constitution, said:—"If I understand anything about the meaning of it (nullification) it is intended as a severance from the Union, and is a species of treason, and if not nipped in the bud it may amount to treason of the deepest dye."[11] Interesting was the sentiment of the anti-slavery element in the west. "The Constitution of the United States was not formed by the states but the people," declared the *Greensboro Patriot*. "The states have no hand in it * * * The people of the United States called the general government into existence and no power short of that which called it into being could again alter it or extinguish it."[12] In Salisbury the *Western Carolinian* continued its defense of nullification, but its rival, the *Carolina Watchman,* declared the doctrine sprang from "pampered nabobs or declining lordlings * * * It is the rank spirit of aristocracy originating in the corrupt conditions of slavery, that has given the lead to nullification. Gorged and fattened indolence in all ages and countries has associated itself with ignorance enlisted under ambition, and finally vented itself in efforts to destroy a virtuous government."

With the tariff issue unadjusted and nullification impending, came the campaign of 1832 in which Jackson's reelection was the preeminent issue. The opposition to his candidacy was even less than in 1828. Only three delegates attended the national republican convention which nominated Clay, and no state convention in his behalf was held. The main interest in national politics was the vice-presidency. For that honor Van Buren was the choice of Jackson, but there was a strong feeling in North Carolina that Van Buren favored protection and that he was federalistic. In the Baltimore convention

[11] *Carolina Watchman*, Oct. 20, 1832.
[12] *Patriot*, Dec. 8, 1832.

which nominated Jackson, six of the fifteen North Carolina delegates gave their votes for the vice-presidency to Barbour of Virginia. After the national convention adjourned a state convention met at Raleigh, and framed a Jackson-Barbour ticket. It is interesting to note that the Barbour element was almost exclusively eastern, only three western counties sending delegates to the convention, while the west was apparently satisfied with Van Buren. The result of the election was an overwhelming victory for Jackson. The vote for Clay was insignificant; he did not carry a single county. In six counties the Jackson-Barbour ticket had a majority over the regular ticket; strange to say, four of these were western, Cabarrus, Davidson, Montgomery, and Rowan.

It is evident that there were elements of discord in North Carolina during Jackson's first administration. In his second term these elements were strengthened and cemented, resulting in the rise of an opposition party. The process of realignment is revealed by sentiment on two measures.

First of these was the policy of the administration toward nullification. Although the prevailing sentiment in the state repudiated the South Carolina doctrine, the measures taken against it were not unanimously approved. The Force Bill was too drastic for party leaders. In the Senate both Brown and Mangum were out of sympathy with it and refrained from voting. In the House three of the congressmen opposed it, and one of them, Carson, went so far as to repudiate openly Jackson's administration.

> He now rose to perform a solemn duty; such a one as he had once hoped would never have been his lot, and one which filled him with the deepest regret; it was to part with a number of gentlemen with whom it had been his pride and pleasure heretofore to act. But the hour was come in which he was called to separate himself from them. He regretted this the more, as he knew it would operate as a banishment of himself from the regard of a man whom he had delighted to honor; a man whom he had served, if not with as much ability, at least with as much honest zeal as ever son felt toward the person and reputation of his own father. Never had his heart known such a feeling of devotion toward any human being, unconnected with himself by blood, as toward Andrew Jackson. But he had arrived at the spot where they must part, etc.[13]

[13] Congressional Debates, IX, 1826.

With the exception of Carson, there was no formal break with Jackson over nullification. Incipient revolt was checked by the compromise tariff of 1833 and a repeal of the ordinance of nullification. However Jackson's financial policy precipitated a breach in the party lines. Not satisfied with the failure of the bank to secure a new charter, he brought about a withdrawal of the federal funds from the bank and its branches. This produced profound financial stringency. Moreover it

WILLIE P. MANGUM

raised the constitutional question of executive control over the national finances. In North Carolina there was already a financial depression due to the liquidation of the state banks. This was now increased by Jackson's action, because discount rates were raised. The depression seems to have been especially strong in the western counties, where money was always difficult to obtain.

In Congress there was a definite revolt against Jackson's leadership. In the Senate it came with the resolutions of censure adopted in December, 1833. It was here that Senator Mangum broke with the party, for he voted in favor of the

resolutions. Later, in February, 1834, he made the administration the subject of a caustic philippic, in which he said:—

> The principle of this administration! As far as I know, and I make the declaration under a full sense of responsibility, this administration has put forward no principle as a test principle, as a party principle, except the principle of election and office. The administration came into power as a reforming administration to put down abuses, lop off excrescences, restore economy, and bring back the Government to a sound, simple, and healthful action. The great questions before the country were the tariff, internal improvement, and economy. I am bold to say that not a single pledge, either expressed or implied, by the opponents of the late and the friends of the present administration has been redeemed.
>
> The only great principle, until this of the deposits, which the friends of the administration were required to support, was the principle of office. Is the fact not so? [14]

In the House of Representatives the test of party allegiance was applied in a series of resolutions on April 4, 1834. The vote on these disclosed practically an equal division in the North Carolina delegation. On the first resolution, that the United States Bank ought not to be rechartered, the division was seven to six; Bynum, Conner, Hall, Hawkins, McKay, Rencher, and Speight voting aye, and Barringer, Deberry, Graham, William B. Shepard, A. H. Shepperd, and Lewis Williams voting nay. On the second resolution, that the public deposits ought not to be restored to the Bank of the United States, the vote was six to seven, Rencher now voting in the negative. On the third resolution, that state banks should be continued as places of deposit, the division was likewise six to seven, while on the fourth resolution, to appoint a committee to investigate the conduct of the Bank of the United States, only Shepard and Williams were among the nays. Later, on April 19, Barringer, Bynum, Deberry, Shepard, Shepperd, and Williams favored, and Hall, Hawkins, McKay, and Speight opposed, a resolution that the custody of the unappropriated money of the United States constitutionally belonged to Congress.

These votes indicate a permanent cleavage in the Jack-

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[14] Congressional Debates, X, 687.

sonian democracy. In the spring of 1834 all opponents of Jackson drifted together and assumed a new party name, whig. In North Carolina Jackson was immensely popular with the rank and file. It was therefore necessary for the leaders of the new party to find some issues besides opposition to the executive. These were at hand in local politics. The burning questions in the state were aid to internal improvements and revision of the state constitution. These causes were now championed by the whigs. And as these measures were especially popular in the western counties, the whigs found in that region their greatest support and strength. It is notable that most of the congressmen who revolted against Jackson were from the west,—Barringer, Deberry, Graham, Rencher, Shepperd, and Williams, and likewise Senator Mangum. Undoubtedly these leaders realized the necessity of economic improvement in their section and felt that Jackson's financial policy, which raised discount rates, would tend to delay that development; and so they took the leadership in the revolt against his administration.

The first test of party strength within the state came in the fall of 1834. The legislature was democratic and adopted a resolution instructing the senators to vote for a resolution expunging from the records of the Senate the resolutions condemning Jackson's removal of the deposits. This was directed at Senator Mangum, his colleague, Bedford Brown, being loyal to Jackson. Mangum, however, declared that the legislature, like himself, was a servant of the people and had no right to control his actions. He therefore refused to obey the resolution of instruction, but when the democrats carried the succeeding state election, he resigned and was succeeded by Robert Strange, a democrat. Such was the alignment of parties as the year 1836 approached.

CHAPTER X

RELIGIOUS DEVELOPMENT AFTER THE REVOLUTION

The Revival of 1800—Religious Dissensions

The collapse of an old order and the rise of a new regime were phenomena not confined to things political and economic. Religion also felt the impulse of new life after 1800, resulting in a different outlook and organization from that of the eighteenth century. The course of this change must now be traced.

The Revolution shattered the religious forces of North Carolina. Readjustment to a new regime was as much a problem for the churches as for industry, trade, and political thought. For this statistics bear witness. In 1790 the population of the state was 393,751, of whom 50,000 were heads of families. The exact proportion of church members cannot be ascertained, but 30,000 is a liberal estimate, leaving an uncultivated spiritual field of 363,751 souls. Yet the condition within the churches was not very favorable for the task before them. The Presbyterians had probably the largest membership. They were strongly intrenched in the piedmont and along the upper Cape Fear; but most of the loyalists in North Carolina were of Presbyterian stock and after the Revolution many of the Scotch on the Cape Fear emigrated. In the piedmont section a number of the Presbyterian pastors had been active in the Revolutionary cause, notably Humphrey Hunter and Thomas McCaule, who served in the army; but for this very reason some of the congregations had declined. Moreover strict Calvinistic thought and discipline often leads to spiritual revolt; witness Rousseau in France, the English deists, and Benjamin Franklin in America. It is not strange,

therefore, to find that in North Carolina the traditions of Calvinism were seriously questioned at the close of the war. "The pastors shed tears over departed worth," lost in battle, we are told, but they grieved most over the living "who had renounced the religion of their fathers, and embraced a cold skepticism that promised only a life of licentiousness and the vain hope of annihilation." The Baptists had the largest opportunity in North Carolina. They covered a greater territory than any other denomination, being grouped in two associations, the Kehukee in the east and the Sandy Creek in the piedmont, the latter being the third oldest association of Baptists in the United States. Their rapid growth in the South toward the middle of the eighteenth century was little less than a profound social movement. Their extremely democratic organization fitted in well with the ideals of the plain people while their style of preaching and type of thought made a popular appeal. The Baptist membership in 1790 was 7,742, surpassed only by the Presbyterians who, with the Independents, had been estimated at 9,000 in 1762. But there were certain inherent weaknesses in the denomination. Individualism was too strongly intrenched in its polity for an organized diffusion of the faith, and there was a strong tendency toward dissensions over certain ordinances of the church.

So much for the two largest denominations. There were also the Quakers, well organized in some of the eastern and at least one of the piedmont counties; but they were a distinct social class rather than an aggressive denomination. The Moravians had a worthy and heroic history, but not until recent years have they sought an increase of membership. The progress of the Lutherans and German Reformed had been seriously checked by the interruption of intercourse with Europe during the war. Most significant was the condition of the Anglicans. Throughout the South the Church of England was prostrate. Among its communicants in North Carolina were a number of Revolutionary leaders and its clergy were as a rule true to the patriot cause. But its tradition of close alliance with the British colonial system was a serious hindrance, there was no local episcopate, and early efforts to organize the diocese of North Carolina failed.

Evidently there was an opportunity for a church that had an organization suitable for a distinct propaganda, that was free from doctrinal disputes, and that was thoroughly consecrated to some elemental Christian truth which would appeal to the people. In Methodism the hour and the opportunity met. Its pioneer preachers made their appearance in North Carolina in 1772. The prevalent opinion is that the growth of the Methodist societies was checked by the Revolution, that many of the British preachers returned to England, and that the native circuit riders were popularly regarded as loyal to the Crown to the injury of their cause. Such a conclusion is not in accord with the facts, so far as North Carolina is concerned. In 1776 the membership of the societies in the state was 683; by 1783, the year of the Treaty of Peace, it had risen to 2,229, and the number of circuits was then increased from four to ten. A step toward independence from the Church of England was taken in 1779, when the preachers of North Carolina and Virginia appointed a presbytery of three with power to ordain themselves, then others. Through the influence of Francis Asbury this action was disavowed until Mr. Wesley could be consulted. In 1784 consent was given and the Methodist societies took on the clothes of a church at Baltimore. The next year the first Annual Conference was held near Louisburg at the home of Green Hill.

The mechanism of the new denomination was well suited to the task before it. The bishops were the generals, the presiding elders the captains, the circuit riders the soldiers of the line. All were engaged in a spiritual warfare; in contrast to the call of the congregation in the Presbyterian and Baptist polities, they were *sent* to the people. Not since the days of the Jesuit fathers in the French northwest had this country seen such an aggressive projection of the Christian faith; hardly since the days of St. Francis had Christianity known a religious type similar to the circuit rider. Like the friars, he knew no place of abode, parsonages not being authorized until 1800. The meagre salary of sixty-four dollars made poverty truly evangelical and, with the views of Bishop Asbury, made marriage practically impossible for the majority. The circuit riders preached at every opportunity,

wherever a few could be gathered together, slave or free. Intensely evangelical, they were never satisfied without some manifestation of grace, the conviction of sinners or the rejoicing of the redeemed. They also wielded an intellectual influence. Some time between 1780 and 1790 Cokesbury School was established on the Yadkin, the first preparatory school in America under Methodist control. A few years

GREEN HILL HOUSE
Meeting Place of Annual Conference, 1785

after the Revolution Sunday schools were introduced for the purpose of instruction in the elementary branches, and the Conference of 1790 declared: "Let us labor, as the heart and soul of one man, to establish Sunday schools in or near the place of public worship. Let persons be appointed by the bishops, elders, deacons or preachers to teach (gratis) all that will attend and have a capacity to learn; from six o'clock in the morning till ten, and from two o'clock in the afternoon till six; where it does not interfere with public worship. The Council shall compile a proper school book, to teach them learning and piety." Just when the Methodist Sunday School

appeared in North Carolina and how extensively the institution was used, is unknown. In Virginia the first Sunday school was organized in 1786, in South Carolina in 1787. The circuit riders had still another intellectual influence. When the Methodist publishing house was organized they scattered its books and tracts throughout North Carolina. It is a matter of record that the *Discipline* of 1786 and also the first number of the *Arminian Magazine* were prepared for the press in North Carolina, the former by John Dickins on the Bertie Circuit, the latter by Coke and Asbury in 1789. In 1783 there were in North Carolina eighteen circuit riders; by 1800 there were twenty-seven, and cooperating with them were a large number of local preachers.

Nor were the Presbyterians and Baptists inactive. In 1788 the Synod of the Carolinas was organized, and the Presbyterian divines busied themselves in combating skepticism, restoring Sabbath observance, and holding short seasons of fasting and prayer in their churches twice a year. Long before the camp meeting came into vogue, tents or stands for use of the minister in out-of-door preaching were common among the Presbyterian congregations. By the Baptists five new associations were organized; three in the west, the Yadkin (1790), Mayo (1798), and Mountain (1799), and two in the east, the Neuse (1794) and Flat River (1794). Thus the period from 1783 to 1800 was one of preparation, characterized by a gradual extension of the churches into fields hitherto unoccupied, and by denominational reorganization. The result was a rich harvest, ushered in by a great revival which began in 1801 and lasted for a decade. Baptist traditions regard it as a reflex of the great revival contemporary in the west, while good Presbyterian authority claims that it began in Orange County as the result of prayer meetings conducted by the wife of Dr. David Caldwell. With the Methodists the genesis of the revival undoubtedly was the Conference of 1800, which met in Baltimore. It closed with a distinct manifestation of grace and the preachers carried the flame of evangelism to the most distant circuits. In North Carolina the revival started in the western counties, thence spread to the Cape Fear, then to the coast and the Albemarle section, and culmi-

nated in a meeting at Raleigh in 1811. Here was a movement of epochal importance in religious history. Let us notice some of its characteristics.

First of all there was co-operation on the part of the Methodists, the Presbyterians and the Baptists. The method of reaching the people was the camp meeting. Its origin dates from 1789 or 1790, when it was used in the western counties by John McGee and Daniel Asbury, and later was introduced by McGee into Tennessee and Kentucky. With the revival it became the most prominent means of carrying the gospel to the masses. The numbers attending were estimated by the thousands. From all accounts the results were greater in the piedmont than in the Cape Fear section. To a large degree this may be attributed to racial influences. In the western counties the population was largely Scotch-Irish. These people were exiles in a double sense. In the migration from Scotland to Ireland much of the discipline of the kirk was lost. The English Church was established in Ireland and the government opposed any other form of Protestantism. Hence under great difficulties did the Presbyterian church in Ireland maintain its existence. Moreover, the early years of the Scotch in Ireland were years of conflict with rugged nature. Cabins were built, fields were cleared in face of opposition by the native Irish and the beasts of the forest. Thus for a time physical wants stood first. These facts, the frontier life and the policy of the English government, were the background for a new kind of religious experience which came about 1625, a wave of revivals conducted by missionaries, not in churches, but in the cabins of the settlers, the first form of the prayer meeting. A century later the Scotch-Irish emigrated to America. Again the task of the first years was a conflict with nature, clearing the forest and establishing homes. The outlook for fruitful life was better than in Ireland; the hearts of the people were softened by the greater degree of liberty and old prejudices relaxed. The result was the revival of 1755 in the piedmont section, led by Shubal Stearns, the Baptist missionary from New England, and the still greater revival in 1801.

On the other hand, the experience of the Scotch Highland-

ers had been different. In Scotland the kirk was established and the chief religious interest was to defend it from criticism by the Anglicans. Hence the Scotch divines excelled in the philosophy of religion, the defense of traditional thought and forms of worship. Consequently neither in Scotland nor among the Scotch in America were revivals very popular. Two Presbyterian clergymen in North Carolina may be taken in illustration. Dr. David Caldwell, Scotch-Irish minister, educator, and politician, welcomed the revival of 1801 as a special manifestation of God's power; likewise one of his congregations, the church at Alamance. Not so another of his congregations, the church at Buffalo. Alamance went so far as to adopt the evangelical hymns of Isaac Watts, but Buffalo continued the old custom of singing the psalms. In strong contrast to Dr. Caldwell was Samuel MacCorkle, a Scotch minister. At first he was extremely doubtful of the value of the great wave of evangelism. At Caldwell's special invitation he attended a camp meeting in Randolph county. He was shocked by the scenes. "Is it possible, said I, that this scene of seeming confusion can come from the spirit of God? Can He who called light from darkness, and order from confusion, educe light and order from such a dark mental and moral chaos?" Toward the close of the meeting, while still in doubt as to the efficacy of the revival, he was called to his own son, who was under conviction of sin. While praying over him the good dominie's interest widened to the whole world of sinners, his doubts of the value of revivals were dispelled, and he himself became active in camp meetings.

Here was one of the strategical points in the religious history of the state. The Calvinistic forces, both Presbyterian and Baptist, were divided as to the value and advisability of the revival; but the Methodists were not divided, their Arminian doctrine made them unanimous, and hence in the end they reaped a greater harvest. By 1810 they had outstripped other denominations in point of numbers.

The phase of the revival that attracted most attention was the physical expression of emotion. Such religious exercises as falling or the jerks, dancing, barking, laughing, and singing were common. These phenomena had characterized the pre-

vious revivals in Ireland and the piedmont section. They were most common among the Scotch-Irish. Most of our accounts are from Presbyterian sources. Typical were the scenes at a camp meeting held in the western counties in 1802 by Presbyterians, Baptists, and Methodists;—

"There was a powerful work among the people, such as had never been witnessed before in this part of the country. Many were astonished beyond measure, and appeared to be frightened almost to death. They would fall sometimes, under preaching, their whole length on the ground, and with such suddenness and violence as seemed almost enough to kill them. Some of my neighbors fell at my feet like men shot in battle. This the people called being 'struck down,' and when they professed religion, they called that 'coming through.'

"One of the most mysterious exercises among the people was what was called the jerks. I saw numbers exercised in this way at a camp meeting held in Lincoln County. Sometimes their heads would be jerked backward and forward with such violence that it would cause them to utter involuntarily a sharp, quick sound similar to the yelp of a dog; and the hair of the women to crack like a whip. Sometimes their arms, with clenched fists, would be jerked in alternate directions with such force as seemed sufficient almost to separate them from the body. Sometimes all their limbs would be affected, and they would be thrown into almost every imaginable position, and it was as impossible to hold them still almost as to hold a wild horse. When a woman was exercised in this way, other women would join hands around her and keep her within the circle they formed; but the men were left without constraint to jerk at large through the congregation, over benches, over logs, and even over fences. I have seen persons exercised in such a way that they would go all over the floor with a quick, dancing motion, and with such rapidity that their feet would rattle upon the floor like drum-sticks.

"Some of the Presbyterians got into some extremes and brought a reproach upon the good work. They got into what they called the dancing exercise, the marrying exercise, etc. Sometimes a whole set of them would get together and begin dancing about at a most extravagant rate. Sometimes they

would be exercised about getting married, and one would tell another he or she had a particular revelation that they must be married, and if the one thus addressed did not consent, he or she must expect to be damned. Thus many got married, and it was said some old maids, who had nearly gotten antiquated, managed in this way to get husbands. But this was condemned by the more sober part among Presbyterians and Methodists, and it has now nearly subsided.'' [1]

In the light of such scenes it is not strange to hear that Methodist ministers were sometimes arrested or assaulted and that one husband applied a mustard plaster to his wife to cure her of Methodism. Experience with human souls in the camp meeting often brought with it an unusual knowledge of the mind and its operations. Sometimes the circuit riders utilized this knowledge for the cure of mental ailments. An example occurred in Wilmington in 1815. Joseph Travis was pastor of the Methodist Church. Among the residents of the town was an ex-governor of the state. One day he asked Travis to call on his wife who for some time had been treated by physicians for some mental disturbance. Hear Travis' account of the interview and its results:

Calling on the lady he found that "her head had been shaved and blistered, and I know not what besides had been tried, to restore her mind to a proper balance. Yet withal, she apparently grew worse. I told her that at the request of her husband, I had called to see her. She immediately commenced relating to me her deplorable insanity, and the cause leading thereunto; namely, a confusion of mind which suddenly seized her one day; and withal that her greatest grief was that she was not prepared for death. I endeavored to convince her that she was not deranged, assuring her that a deranged person was not conscious of any abberation of mind. I pretty well convinced her of the fact and then proceeded to point her desponding and sin-smitten soul to the great atonement made for sinners by the death and resurrection of Christ. I conversed with her for a half hour or so, prayed with her, and left her. In a day or two afterwards, a carriage drove

[1] David Gray, quoted from Shipp, Methodism in South Carolina, p. 273.

up to the parsonage. I stepped out, and who should it be but Mrs. Smith. I helped her out of the carriage and with weeping eyes as she entered the parsonage, she exclaimed, 'O, Sir! you have done me more good than all the doctors put together. You directed me to Jesus. I went to him by faith, and humble confidence and prayer. He has healed me, soul and body; I feel quite happy.' "[2]

In the eastern counties the outlook for converts was different than in the western. There was a large negro population, and the whites were mainly of English rather than Scotch-Irish extraction. In those counties that had a large colored element in their population, Methodism seems to have made a stronger appeal to the negroes than the whites. The first white convert in Fayetteville was baptized in 1802, although for some time there had been a large negro congregation, organized by Henry Evans, a free negro preacher. In Wilmington in 1802 the white membership was 48, the negro 231; in 1812 the figures were 94 white and 704 colored. In the Albemarle section the Methodist movement received the cooperation of the Anglicans. For this Reverend Charles Pettigrew was largely responsible. In vain he had labored to organize the surviving elements of the Church of England into a diocese. In fact he was elected Bishop of North Carolina in 1794 but was never consecrated. Realizing the futility of his efforts, he turned to Methodism as the best hope for religion. At his home he entertained the circuit riders, at the chapel on his plantation near Edenton they preached, and until 1839 Pettigrew's Chapel was a regular appointment on the Columbia Circuit.

The culmination of the evangelistic wave was reached in a meeting at Raleigh. There the Virginia Conference met in 1811. Its sessions were held in the State House because the small Methodist congregation had no building. Asbury was present, so were McKendree, Jesse Lee and other pioneers of Methodism. Guided by their preaching about fifty professed Christ, among whom was William Hill, Secretary of State from 1811 to 1859. The immediate result was the construction

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[2] Autobiography of Joseph Travis, p. 80.

of a church, the direct antecedent of Edenton Street. Among the witnesses of the revival was William Glendenning, one of the original Methodist preachers in America. In 1785 he left the new denomination, dissatisfied with its form of government, and joined O'Kelly's Republican Methodist Church. He welcomed his old associates and took a keen interest in the revival but frequently exclaimed, "I do not like the government, I do not like the government."

The influence of the great revival on the life of the people was of lasting importance. The reality of religion was brought home to all. Now the latter half of the eighteenth century had been preeminently an age of free thinking. Skepticism was then aggressive, scoffing, irreligious and irreverent, and such it remained until the scientific movement of the nineteenth century gave it new thought, sound facts, a method and a task. Now the skepticism of the older type existed among the intellectual class in North Carolina, and the uncultivated copied their betters and swaggered about unbelief. Churches had not been too numerous either in country or towns, and the cause of religion had not been very extensively or very thoroughly presented prior to the Revolution. The great revival, therefore, marks healthy reaction, an awakening of the people to the reality of the religious element in life. The conversion of the infidel was a common event. Typical is the following account by James Jenkins. Writing in 1802 of a meeting in the Waxhaws he says: "One among many remarkable cases I will relate of a professed atheist who fell to the earth and sent for brother Gassaway to pray for him. After laboring in the pangs of the new birth for some time, the Lord gave him deliverance. He then confessed before hundreds that for some years he had not believed there was a God but now found him gracious to his soul." The reaction from infidelity probably explains in some measure the religous exercises and visions, phenomena which sudden changes of conviction might easily produce.

Out of the religious movement came a demand for moral reform. Illustrative was a new attitude toward alcohol. Every gentleman had his private distillery, the leading politician of North Carolina is said to have kept a bucket of corn whiskey

at his front door, and the manufacture and peddling of liquors was an industry as common as raising cotton or tobacco. Yet in the Methodist Conference minutes of 1783 we find the following question and answer:

Q.—"Should our friends be permitted to make spirituous liquors, sell, and drink them in drams?"

A.—"By no means; in that it is wrong in its nature and consequences, and desire all our preachers to teach the people by precept and example to put away the evil."

Here was the first step toward a prohibition movement in the South. Later, local preachers were prohibited under penalty to distill or retail spirituous liquors. However, the issue was injected into politics by the Baptists when, in 1817, the following resolutions were adopted by the Sandy Creek Association:

"Whereas, this association views with concern and regret the custom existing among candidates for public posts of honor and profit, of distributing spirituous liquors among the people, in order to enhance their own popularity, and influence the suffrages of their fellow citizens at elections; and whereas such a custom is both ruinous to the morals and happiness of the people, and dangerous to their civil rights and liberties.

"1. Resolved unanimously, That a person be appointed to prepare a memorial to be presented to the next meeting of the General Assembly of the State of North Carolina, praying them to enact a law against this degrading evil.

"2. Resolved, That it be recommended to the churches of this association to refuse their support to any candidate who shall, either himself or by another person distribute spirituous liquors with a view to conciliate the affections of the people.

"3. Resolved, That this association concur with their brethren of the Flat River Association, in inviting all professing Christians, and lovers of good order and morality, to lend their decided cooperation to avert the evils which this custom entails upon us.

"4. Agreed that Brother George Dismukes wait upon the legislature with the memorial of this body."

The revival also had considerable educational influence. In 1813 the North Carolina Bible Society was organized for

the purpose of distributing the scripture among the people. Sunday schools became more numerous and had for their purposes elementary instruction. The various denominations were also strengthened. Increase of membership made possible more compact church organization. In 1803 the Lutheran Synod of North Carolina was formed. In 1813 the Presbyterian churches withdrew from the Synod of the Carolinas and organized the Synod of North Carolina. In 1817 the Episcopalians organized the Diocese of North Carolina, with three clergymen and less than 200 laity. John Stark Ravenscroft was elected Bishop and at the end of his episcopate in 1830 there were eleven clergymen and 650 lay members.

However the Baptists were more profoundly affected by the revival than any other denomination. Two issues convulsed the associations.

First of these was the question of missions. In 1803 Martin Ross, a leading member of the Kehukee Association, submitted to that body the following query: "Is not the Kehukee Association, with all her numerous and respectable friends, called on in Providence, in some way, to step forward in support of that missionary spirit which the great God is so wonderfully reviving amongst the different denominations of good men in various parts of the world?" There was no immediate response, but the next year a committee was appointed to meet delegates from the Portsmouth and Neuse Associations to consider the cause of foreign missions. As a result, in 1805 the Philanthropic Baptist Missionary Society was founded. This was seven years before Judson became a missionary and eleven years before the Baptist General Convention was organized; in fact the Philanthropic Society was the first missionary organization among American Baptists. Its purpose was to stimulate the formation of local missionary societies and to keep the cause of missions before the various associations. In 1814 a number of individual Baptists launched the North Carolina Baptist Society for Foreign Missions, its scope being widened in 1817 to include domestic missions. The strength of the organization lay in the piedmont section, that of the Philanthropic Society in the east. In 1817 the contribution of the North Carolina Baptists to missions was

greater than that of the Baptists of any other state except Massachusetts.

The second movement among the Baptists was for co-operation on the part of the various associations. The only relation between them was purely formal, consisting in the exchange of letters or of visits of traveling delegates. From 1800 to 1816 the increase of membership was great; eight new associations were formed. In the interest of uniformity as well as the further extension of the Gospel some closer relationship among the associations seemed desirable. Again the leadership was taken by Martin Ross, now a member of the newly formed Chowan Association. In 1809 he secured the appointment of a committee to plan a general meeting, to consist of the Kehukee and the associations which sprang from it. In 1810 the scope of the proposed organization was widened to include all the Baptist associations in the state. Response was received from six associations and in 1811 at the Falls of Tar River preliminary steps were taken for the organization at Raleigh in 1812 of the Baptist General Meeting of Correspondence. Its purpose was to extend religious acquaintance, to encourage the preaching of the Gospel, and to diffuse useful knowledge. However, even the semblance of a central authority was so contrary to Baptist traditions that only six associations sent delegates.

Of the two movements outlined, that for missions was the stronger. In 1821 the Philanthropic Society and the General Meeting of Correspondence were merged into the North Carolina Baptist Missionary Society. Heretofore support of missions had been entirely individualistic and voluntary. There had been no business-like organization of the work. The distinctive feature of the new organization was the appointment of an agent, R. T. Daniel, at a salary of forty dollars per month and an assistant at thirty dollars. Their duties were to organize local missionary societies and to apply system and business-like methods to the cause.

The movement for closer inter-associational relations and missions met opposition, the centre of which was the Kehukee Association. The faith of this organization was strongly Calvinistic, the doctrine of predestination having been incor-

porated into its declaration of principles in 1777. After 1815 the Association sent no delegates to the General Meeting of Correspondence and its contributions to missions declined. The climax of the opposing views was reached after the organization of the Baptist Missionary Society in 1821. Much criticism was expressed of salaried officers, the departure from the individualistic method of missionary work being denounced as "man made." The leader of the opposition was Joshua Lawrence. In 1826 he laid before the Kehukee Association a Declaration of Reformed Baptists, a protest against the new tendencies. It was referred to the churches of the Association for action. The minutes of 1827 declare that "it was agreed that we discard all Missionary Societies, Bible Societies, and Theological Seminaries, and the practices heretofore resorted to for their support, in begging money from the public, and if any persons should be among us, as agents of such societies, we hereafter discountenance them in those practices, and if under a character of minister of the gospel we will not invite them into our pulpits; believing that these societies and institutions to be inventions of men, and not warranted from the word of God." When these minutes were published some members claimed that this pronouncement had never been submitted to a vote; others that it was unanimously adopted. Among the former were Philemon Bennett, the Moderator in 1827. However, the proposition was sustained at the two succeeding sessions of the Association. Nine churches thereupon withdrew and in 1831 organized the Tar River Association which committed itself to the new order of things.

The spirit of schism spread to the other associations. From the Neuse a number of churches withdrew and organized the Contentnea Association, which clung to the old ideas and methods. When the Country Line and the Pee Dee associations decided for the old order, certain churches withdrew and founded the Beulah and Liberty associations. Yet the movement for the adoption of the new ideas and methods was approved by a majority of the churches throughout the state. The cause of reform was led by a group of new leaders: Thomas Meredith, a graduate of the University of Pennsylvania who came to North Carolina and settled at Edenton in

1817, John Armstrong, a graduate of Columbian College of Washington, D. C. and pastor at Newbern, Samuel Wait and P. W. Dowd, also graduates of Columbian College. Cooperating with them was Martin Ross, who had introduced the question of missions and cooperative organization in the Kehukee Association. Acting on his motion the Chowan Association in 1826 appointed a committee to arrange for the organization of the Baptist State Convention. In 1830, when the Benevolent Society met in Greenville, the fourteen members present adopted a resolution transforming the society into the "Baptist State Convention." A constitution, prepared for the occasion by Thomas Meredith, was adopted, which made the objects of the convention ministerial education, state missions, and cooperation with the National General Convention in domestic and foreign missions. The organization proved permanent and successful. The next step in the movement of progress was the foundation of a college for the denomination, which was achieved with the charter of Wake Forest in 1833.

The problem of organization was not confined to the Baptists. Considerable dissatisfaction pervaded the Methodists. In the early days of the church there was discontent with the episcopacy. Joseph Pilmoor, the first Methodist preacher in North Carolina, never left the Church of England. William Meredith, who introduced Methodism into Wilmington, lived and died a Primitive Methodist. Glendenning, as we have seen, forsook the church. Parson Miller, of Rowan County, remained in the Church of England; indeed, he helped to establish the Diocese of North Carolina.

The leader of the earlier discontent was James O'Kelley, a native of Ireland, who spent his later years in Chatham County, North Carolina. When the motion to allow the itinerant to appeal from the Bishop to the Conference in the matter of his appointment was rejected in 1792, O'Kelley withdrew and soon organized the Republican Methodist Church, now the Christian Church. Another period of discontent opened after the great revival. On account of the small salary of the itinerant, there was a host of local preachers who retired from the ranks in order to support their families. They participated in the camp

meetings and the revivals, and demanded recognition in the councils of the church. In 1820 the General Conference allowed them to organize district conferences, the chairmen of which were the presiding elders. This concession was not enough; in 1821 the Roanoke District Conference of Local Preachers sent to similar bodies and also to the Virginia Conference a protest against rules for their government made by a General Conference in which they were not represented, and a petition for representation was sent up to the General Conference of 1824. From other states were also sent petitions for lay representation. When these were rejected, "union societies" were organized to agitate for reform, the second society in the movement being the Roanoke Union Society, organized in Halifax County, November 3, 1824. A little later the Granville Union was formed on the Tar River Circuit. The policy of the itinerants and presiding elders toward the movement for reform was drastic. Accusing members of the unions of inveighing against the discipline and sowing dissensions, they frequently expelled them from the churches. When a second appeal for reform to the General Conference of 1828 was rejected, a new denomination was launched, the Associated Methodist Churches, later the Methodist Protestant Church; the first annual conference of the new movement was organized in North Carolina in December, 1828.

Thus between 1800 and 1830 religion underwent an extensive propaganda and took on the clothes of earthly organization. Thereafter its development was more conventional. The age of expansion was followed by a period of doctrinal controversies and denominational rivalry. Hence the years from 1830 to 1860 are of interest mainly to those who have a technical interest in denominational history.

CHAPTER XI

SLAVERY AND THE FREE NEGRO—LEGAL, ECONOMIC, AND SOCIAL

During the decade of 1830-1840, which marked an epoch in political, religious, educational, and economic development, the institution of slavery was modified. A permanent change took place in the relations between the dominant and the servile races, which had a profound influence on political history. This must now be traced.

The slave system in North Carolina had certain well defined characteristics. The first of these was its patriarchal character, the personal relation between master and slave, due to the prevalence of the small plantation and the low average of slaves to each slave-holding family. Contemporary evidence of this is given by Frederick Law Olmsted, who thought:—

> "The aspect in North Carolina with regard to slavery" to be "less lamentable than that of Virginia. There is not only less bigotry upon the subject and more freedom of conversation, but I saw here, in the institution, more of the patriarchal than in any other State. The slave more frequently appears as a family servant—a member of his master's family, interested with him in his fortune, good or bad. This is the result of less concentration of wealth in families or individuals. * * * Slavery thus loses much of its inhumanity. It is still questionable, however, if, as the subject race approaches civilization, the dominant race is not proportionately detained in its progress."[1]

While in South Carolina Mr. Olmsted met a free negro peddler from North Carolina and in conversation with him received the following comparison of the negro's lot in the two states:—

> " 'Fac' is, master, 'pears like wite folks doan ginerally like niggars in dis country; dey doan ginerally talk so to niggars like as do in my country; de niggars ain't so happy heah; 'pears like the wite folks is kind o' different, somehow.' "

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[1] *Journey to the Seaboard Slave States,* p. 367.

"Well, I've been thinking myself the niggers did not look so well here as they did in North Carolina and Virginia; they are not so well clothed, and they don't appear so bright as they do there."

"Well, massa," was the answer, "Sundays dey is mighty well clothed, dis country; 'pears like dere ain't nobody looks better Sunday dan dey do. But, Lord! working days, seems like dey had no close dey could keep on 'em at all, master. Dey is almost naked wen dey's at work, some un 'em. Why, master, up in our country de wite folks, why some un 'em has ten or twelve; dey doan hev no real big plantations like dey has heah, but some un 'em has ten or twelve niggars, maybe, and dey juss lives and talks along wid 'em. If dey gits a niggar and he doan behave himself, dey won't keep him; dey just tell him, sar, he must look up anudder master, and if he doan find himself one, I tell 'ou, wen the trader cum along, dey sell him and he totes him away. Dey always sell off all de bad niggars out of our country; dat's de way all de bad niggar and all dem no-account niggar keep a comin' down hear; dat's de way on't, master." [2]

The number and distribution of the negroes, slave and free, and their ratio to the white population were just as notable as the relation between master and slave. The following table may be taken as a basis for comparison: [3]

Year	White	Per Ct. of Increase	Per Ct. of Population	Free Colored	Increase	Per Ct. of Population	Slaves	Increase	Per Ct. of Population	Total Population	Slave Owning Families	Per Ct. of Families
1790	289,143		73.2	5,135		1.3	102,726		25.5	395,005	16,310	31.0
1800	337,764	17.19	70.6	7,043	41.56	1.04	133,296	32.53	27.8	478,103		
1810	376,410	11.44	67.7	10,266	45.76	1.83	168,824	26.65	30.3	555,500		
1820	419,200	11.36	65.6	14,612	42.33	2.3	205,017	21.43	32.1	638,829		
1830	472,823	12.79	64.1	19,534	33.74	2.6	245,601	19.79	33.1	737,987		
1840	484,870	2.54	64.3	22,732	16.31	3.01	245,817	.08	32.6	753,419		
1850	553,028	14.05	63.6	27,463	20.81	3.2	288,548	17.38	33.2	869,039	28,303	26.8
1860	629,942	14.42	63.4	30,463	10.92	3.1	331,059	14.73	33.3	992,622		

It is evident that the negroes increased faster than the whites, and formed a larger percentage of the population in 1860 than in 1790. Within this increase there was a tendency toward a concentration of ownership; the percentage of slave-holding families in 1850 (26%) was less than in 1790 (31%). The average number of slaves held by each slave-holding family increased in the same period from 6.7 to 10.2. Likewise the percentage of those holding more than five increased. Evidently there was a slow but persistent influence driving to the wall the non-slave-holders and small owners, and also con-

[2] Ibid., pp. 389-393.

[3] Century of Population Growth (U. S. Census).

centrating property in the hands of the few. In the light of these facts the value of slaves is significant. No exact information can be had; but investigation has placed the valuation in 1790 at $150 to $200 per head. Therefore the value of slaves in North Carolina at that time was between $15,000,000 and $20,000,000. In 1863 the first state report on slave values gave $162,866,763 for 299,325 slaves, or $544 per head. Thus there was an increase in value along with concentration of ownership.

By far the most interesting decade in this development was that from 1830 to 1840, when the total population showed its minimum increase. This was probably due to the migration to the southwest then under way. The same decade also was the period when discontent with the existing social, economic, and political conditions reached its climax. After the establishment of a school system, the construction of the first railroads, and the revision of the constitution, there was a distinctly more hopeful tone in the press and among public men, and no succeeding decade gave to the census such depressing figures.

The sectional aspect of slavery was also significant. The eastern counties always had a larger slave population than the western. In 1790 the ratio of the sections was more than two to one, 70,504 in the east to 30,068 in the west; by 1860 it was one and one-third to one, 184,596 in the east to 146,653 in the west. In no western county in 1790 did the slaves outnumber the whites; in 1860 they had a majority in four western, as well as in fifteen eastern, counties. Thus the slave system found its way into the region of the small farmer.

These statistics reveal the working out of an economic transformation. With that process also came a change in public opinion regarding the institution of slavery and the rights of the slaves. For this the decade 1830-1840 may be taken as the dividing line; prior thereto a strong anti-slavery feeling existed, and also a liberalizing trend in the laws regarding slavery; but within the decade the pro-slavery sentiment increased until it dominated public opinion, and legislation on slavery became more strict.

The earlier sentiment had three origins. One was the lib-

eral political philosophy of the Revolution which emphasized the rights of man. It was responsible for a movement to check the slave trade. The first Provincial Congress which met in August, 1774, adopted a resolution that "we will not import any slave or slaves, or purchase any slave or slaves imported or brought into this province by others, from any part of the world after the first day of November next."[4] In the Hillsboro Convention which considered the Federal Constitution the compromise preventing interference with the traffic was explained as a concession to South Carolina and Georgia, and James Iredell declared "when entire abolition of slavery takes place, it will be an event which must be pleasing to every generous mind and every friend of human nature; but we often wish for things which are unobtainable." Legislation on the slave trade was also notable. In 1786 duties intended to be prohibitive were levied on imported slaves at the following rates: 40s on those under 7 and over 40 years of age, £5 on those from 7 to 12 and from 30 to 40, and £10 on those between 12 and 30, and a tax of £5 on all brought in from Africa, while slaves imported from states in which the policy of emancipation had been adopted were to be returned. There was, however, a pro-slavery interest, and in 1790 it procured a repeal of the above statute. But the Haytien Revolt of 1791 aroused the slaveholders to the danger of admitting negroes from abroad, and in 1794 the importation of slaves or indentured persons of color was absolutely prohibited, unless the owners settled in the state or were passing through. The next year this exception was denied to those coming from the West Indies, the Bahamas, or South America. To a petition from Wilmington in 1803 regarding the arrival of free negroes from Guadaloupe was due the inception of the federal statute confiscating any ship bringing negroes or persons of color to states which prohibited their importation. Apparently the liberal sentiment was again dominant in 1804, for, South Carolina having withdrawn her restrictions in 1803, the legislature of North Carolina adopted a resolution proposing that Congress be given authority to prohibit the slave trade. The

[4] Colonial Records, IX, 1046.

real test of opinion, however, was the policy toward the illegally imported slave; should he remain a slave, be returned to Africa or elsewhere, or gain his freedom? In settling this matter Nathaniel Macon's influence was decisive. He regarded the slave traffic as a commercial question, the subject for sectional bargains, and as Speaker of the House of Representatives, his deciding vote in December, 1806, prevented the federal law of 1807 from including the prohibition of the sale of negroes illegally imported. The question being left to the states, North Carolina in 1816 provided for sale, one-fifth of the proceeds to go to the informer and the balance to the state.

Another test of political thought regarding slavery was the question of its extension in the territories. In 1789 when the land west of the mountains was ceded to the Union, one of the conditions was that "no regulations made or to be made by Congress, shall tend to emancipate slaves." However, by 1819 a more liberal sentiment was in the ascendancy. The discussion concerning slavery expansion in Congress, which resulted in the Missouri Compromise, produced no excitement in North Carolina. The legislature made no pronouncement on the subject, and opinion on the principles involved can be gleaned only from the press and the actions of senators and congressmen. The *Raleigh Register,* the organ of the dominant party, opposed any restriction upon the admission of Missouri; but the *Minerva,* representing the old federalist element, took the opposite view. Its editor defended the constitutional right of Congress to restrict slavery and added, "It is equally certain that true policy forbids the extension, as its submits to the toleration, of slavery." Some form of gradual emancipation was also advocated by the *Minerva.* The views of the editor were supported by a number of letters and addresses which appeared in the paper from time to time. The same divergence of opinion also existed among the political leaders. Senator Macon and six of the congressmen voted against the Compromise, while Senator Stokes and six congressmen cast their ballots for it. Stokes presented the reasons for his vote in a letter to Governor Branch; these were the need of territory in the southwest for the slave population then too numerous in the older regions of the South, and a

"charitable and respectful regard for the feelings, and even the prejudices, of that great portion of the Northern people that was adverse to slavery in any form, and that would join heartily with us in any constitutional measure to get rid of the evil." [5]

Evidently anti-slavery opinion, so far as it was based on political thought and action, acknowledged the evils of slavery and was willing to ameliorate the condition of the slave. Although it was in abeyance after 1830, it undoubtedly influenced some of the more conservative leaders during the three decades prior to 1860. Its most notable expression is found in an address of Judge Gaston before the graduating class of the University in 1832:—

> On you too, will devolve the duty which has been too long neglected, yet which cannot with impunity be neglected much longer, of providing for the mitigation, and (is it too much to hope for in North Carolina?) for the ultimate extirpation of the worst evil that affects the southern part of our Confederacy. Full well do you know to what I refer, for on this subject there is, with all of us, a morbid sensitiveness which gives warning even of an approach to it. Disguise the truth as we may, and throw the blame where we will, it is slavery which, more than any other cause, keeps us back in the career of improvement. It stifles industry and represses enterprise—it is fatal to economy and providence—it discourages skill—impairs our strength as a community, and poisons morals at the fountain head. How this evil is to be conquered, how subdued, is indeed a difficult and delicate inquiry, which this is not the time to examine, nor the occasion to discuss. I felt, however, that I could not discharge my duty, without referring to this subject, as one which ought to engage the prudence, moderation and firmness of those who, sooner or later, must act decisively upon it.

A second source of anti-slavery sentiment was economic, a feeling that the presence of slaves was injurious to the whites. It was prevalent in the western counties, the region of the Scotch-Irish and Germans, where the slave system was introduced very slowly. Its earliest and certainly its most definite expression was that by a Rowan County committee in 1774: "The African slave trade is injurious to this colony, obstructs the population of it by freemen, prevents manufacturers and other useful immigrants from Europe from settling among us, and occasions an annual increase of the Balance of Trade

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[5] *Raleigh Register,* March 17, 1820.

against the Colonies."[6] However, the most important aspect of the economic opposition to slavery was the silent thought of the plain people. When to that were added observation and knowledge based on travel and residence in the free states, outspoken criticism frequently resulted. Examples were Hinton Rowan Helper, Daniel Reaves Goodloe, and Benjamin S. Hedrick.[7]

The third source of the sentiment against slavery was religion. In all denominations there was prejudice against the institution. Its earliest active manifestation was by the Quakers. In 1758 the North Carolina Yearly Meeting recommended kind treatment and religious instruction of slaves on the part of their masters. Ten years later traffic in slaves for profit was condemned, and in 1772 Friends were forbidden to purchase negroes except from Friends, unless to prevent the separation of husband and wife or for other cause approved at monthly meetings. In the latter year, also, the legislature was petitioned to join with Virginia in requesting the Crown to abolish the importation of negroes from Africa. By 1776 the policy of emancipation was clearly under way. Since the law placed obligations on the master desiring to emancipate, which he could not always fulfill, the Yearly Meeting in 1808 appointed agents "to receive assignments of slaves from masters who wished to be rid of them," the duty of the agents being to send the slaves to free states and territories or abroad. Several thousand slaves were thus collected, most of whom found their way to freedom. Thus 111 slaves and eight free negroes sailed from Beaufort for Hayti in 1826, the following year fifty sailed for Africa, and sixty-seven others later in the same year. But by far the greater number were sent to Pennsylvania or the West, Friends in New York, New England, the West, and England contributing to the expense.[8]

The Baptists likewise realized the evils of slavery. The buying and selling of slaves for profit was condemned by the Sandy Creek Association in 1808 and 1835, and by the Chowan

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[6] Colonial Records, IX, 1026.

[7] Helper was a native of Davie County, Hedrick of Davidson, Goodloe of Franklin.

[8] Weeks, Southern Quakers and Slavery, ch. IX.

Association in 1818.[9] Among the Methodist circuit riders there was also a strong anti-slavery sentiment, quite in harmony with the action of the early conferences. James O'Kelly in 1789 published in Baltimore an essay on negro slavery, recommending gradual emancipation. James Meacham, who served circuits in Virginia and North Carolina, frequently urged masters to emancipate their slaves. "If ever I get rich through slavery," he wrote in his diary, "I shall esteem myself a traitor and claim a part in Hell with Judas, and the rich glutton * * * O America, America: blood and oppression will be thy overthrow."[10] Apparently the Presbyterian ministers did not openly oppose slavery, but one, at least, Reverend Eli Caruthers, had no sympathy for the "dread institution." One Sunday in July, 1861, he prayed that the young men of his church "might be blessed of the Lord and returned in safety, though engaged in a bad cause." The next day the church officials dismissed him. He then elaborated his views in a book, "The Evils of Slavery," which was never published. In it he contrasted the "unjust, unchristian, inhuman laws of the South with the teachings of the Bible and the original instincts of Nature" and demanded emancipation.[11]

The distinctive feature of religious anti-slavery sentiment was race relations within the churches. A large proportion of the Baptist and Methodist members were negroes. Complete statistics do not exist, but in the Chowan Association, one of the large Baptist organizations, over one-fourth of the members were negroes in 1843 and over one-third in 1860, which was doubtless greater than the general average in the state. Of the Methodists, approximately one-eleventh were negroes in 1787; by 1800 the proportion had arisen to one-fourth; by 1830 it was approximately one-third, and so it remained until 1860. Indeed Methodism in certain eastern counties had its origin in missions to the negroes, notably in Wilmington and Fayetteville. All denominations took an interest

[9] Purefoy, Sandy Creek Association, p. 76; Minutes of Chowan Association, p. 7.

[10] Papers of the Trinity College Hist. Society, IX, pp. 82, 94.

[11] Bassett, Anti-Slavery Leaders of North Carolina, p. 56.

in the religious life of the slaves, who often occupied galleries reserved for them in the churches. The Methodists and in some instances the Episcopalians assigned special ministers to work among them.

For purposes of propaganda societies were established. The Quakers of the piedmont section in 1816 organized the North Carolina Manumission Society, a union of four societies which had been founded as the result of visits by Charles Osborn, the first American Abolitionist, in 1814.[12] For over a decade the society prospered, more than forty branches being organized in Guilford, Randolph, Chatham, Forsythe, Davidson, and Orange counties. Annual conventions were held and were well attended, the members present in 1819 being 281, and in 1825, 141. Among prominent visitors were Elihu Embree and James Jones, leaders of similar organizations in Tennessee, and Benjamin Lundy. The purposes of the society were gradual emancipation, amelioration of the slave laws, and development of public sentiment. In 1825 that sentiment was estimated as follows: for immediate emancipation, two-sixtieths; for gradual emancipation, three-sixtieths; for emigration, four-sixtieths; ready to support schemes for emancipation, thirty-sixtieths; indifferent, three-sixtieths; regarding emancipation as impractical, nine-sixtieths; bitterly opposed to emancipation, three-sixtieths. Petitions were sent to the legislature in 1824 and 1825. In 1819 Congress was memorialized through Congressman Settle, and in 1822 Congressman Long submitted a memorial from citizens of Randolph County asking for measures to abolish the African slave trade.[13] In 1824 a petition favoring emigration of negroes to Hayti and in 1827 another praying for the prohibition of the inter-state slave trade were submitted through Congressman Saunders. In 1830 Congressman Shepperd submitted in behalf of the society a memorial favoring the abolition of slavery in the District of Columbia and also the slave trade among the states. Later, when the pro-slavery opinion was active, Shepperd's handling the petition was used

[12] Sherrill, the North Carolina Manumission Society (Papers of the Trinity College Historical Society, X).

[13] Annals of Congress, 17th Cong., 1 sess., p. 1113.

against him and contributed to his defeat in the congressional election of 1839. Saunders' action was also cited during his campaign for governor in 1840.

It was difficult for the society to reach the public at large because of the hostility of the press; the *Raleigh Register* openly refused to publish its communications, but an exception was the *Greensboro Patriot,* whose editor from 1827 to 1835 was William Swaim, a member of the society. In 1830 an *Address to the People of North Carolina on the Evils of Slavery* was issued in pamphlet form. After demonstrating that slavery is founded on injustice, is a source of pride, idleness and tyranny, is radically evil, increases depravity, and is contrary to the Christian religion, it advocates the same justice for the negro as for the white man, and also gradual emancipation and colonization. From time to time money was advanced to aid in emancipation, and relations were also maintained with the American Convention for the Abolition of Slavery and the American Colonization Society. A school for slaves was established at New Garden in Guilford County, and in 1819 Levi Coffin, a member of the society, organized the Underground Railroad in Guilford.

The zenith of the Manumission Society was reached in 1826; thereafter it waned. For this decline several conditions were responsible. One was the division of opinion between radicals and conservatives. The former favored emancipation exclusively, the latter also endorsed colonization. In 1817 dissension between the two factions began. Says Levi Coffin: "A motion was made to amend our constitution, so that the name of our organization would be 'Manumission and Colonization Society.' This produced a sharp debate. * * * We had no objection to free negroes going to Africa of their own will, but to compel them to go as a condition of freedom was a movement to which we were conscientiously opposed and against which we strongly contended. When the vote was taken, the motion was carried by a small majority. * * * The convention broke up in confusion and our New Garden branch withdrew to itself, no longer co-operating with the others." [14]

[14] Coffin, Reminiscences, pp. 75, 76.

In 1824 the two factions were reconciled through the efforts of Benjamin Lundy, who in that year visited the state, and apparently the word *Colonization* was dropped from the title of the society. Another difficulty was the matter of funds, the treasurer never reporting as much as $100 in the treasury, and without money little propaganda could be carried on. Finally, about 1830 a strong pro-slavery tide swept the state, and membership in the Manumission Society declined. By 1834 there were only four branches, and the organization collapsed. However, there were survivals of the anti-slavery sentiment in the Quaker counties. In 1838 James Morehead, representative of Guilford in the legislature, submitted a petition from his constituents regarding slavery, but on objection it was withdrawn and never recorded. In 1859 a propaganda against slavery was disclosed which was led by Reverend Daniel Worth, a native of Randolph County.

Besides the Manumission Society other anti-slavery organizations existed. The American Colonization Society had three branches in 1819, five in 1821, six in 1825, eight in 1826, ten in 1828, and eleven from 1829 to 1832. The *Genius* of *Universal Emancipation* reported the meeting of an anti-slavery society in 1826 on the Yadkin River, at which 300 were present, not one of whom was a Quaker. There was also a North Carolina Abolition Society at Newberry, with which the Manumission Society was in correspondence. However, little is known of these societies and their activities, because their records have not been preserved, while those of the Manumission Society are still in existence.[15]

The trend of conflicting sentiment toward slavery may be traced in legislation and court decisions. Liberal ideas were responsible for better guarantee of justice to the slave and for better protection of his life. In 1793 the trial of offences involving life, limb, or member was placed in the county court and a jury of twelve slave-holders, instead of the special court of two justices and four freeholders, which had been the method since 1741. In 1794 it was also provided that the jury should render verdict on evidence submitted and that

[15] The MSS. of the Society are preserved at Guilford College, North Carolina.

the court should then pronounce judgment "agreeable to the verdict and the laws of the country." Apparently, both whites and blacks were now subject to the same penalties in capital offences. In 1816 still further protection was given by providing that slaves accused of capital crimes should be tried in the superior court according to the same procedure as in the trial of freemen, except in cases of conspiracy; then a special session of the superior court, acting under a commission of the governor, should act. In 1818, also, when the penalty involved was execution, the slave was allowed to challenge jurors. Payment of owners by the state for slaves executed was abolished in 1786, since "many persons by cruel treatment of their slaves cause them to commit crimes for which many of the said slaves are executed." This was unsatisfactory, since it became the policy of the master to prevent prosecution of his slaves. Hence in 1796 the policy was adopted of allowing counties through special statutes to pay their masters two-thirds of the entire value of the slaves executed, the value to be fixed by the jury, the reimbursement to be derived from a special tax on black polls. However there should be no reimbursement unless the jury also concluded that the master had properly fed and clothed the slaves. So much for major offences. Those of a less degree were also treated more liberally. In 1783 jurisdiction over minor cases was given to the justices of the peace, but many such cases were placed under the county courts to be tried "under the same rules, regulations, and restrictions as the trials of freemen." However, in all cases in which the justices of the peace acted, appeal was in 1842 allowed to the county or superior courts.

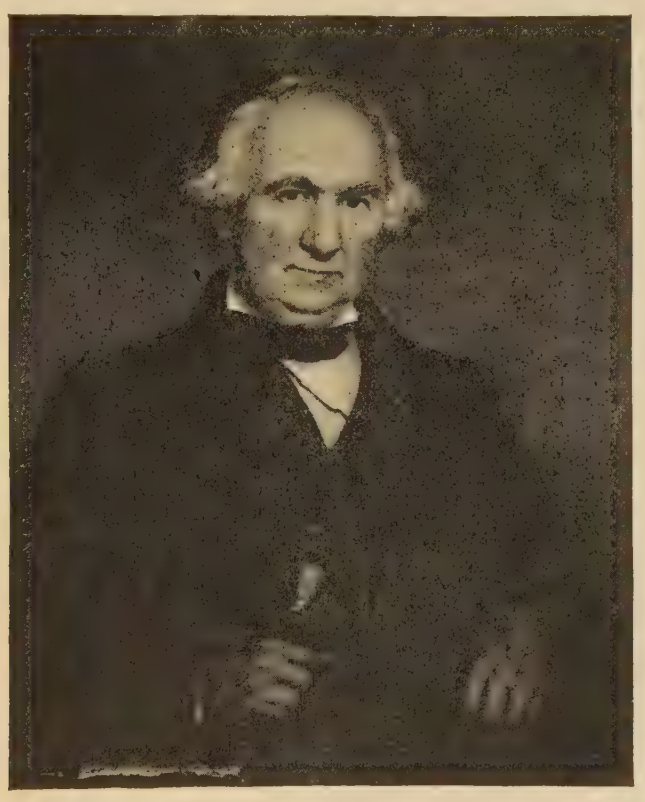
The slave's life was also given better protection. By a statute of 1791 he who maliciously killed a slave was declared guilty of murder and should "suffer the same punishment as if he had killed a freeman," except in cases where the slave resisted the owner or master or died under a moderate correction or was an outlaw. However, since there were three degrees of homicide—murder, punishable by death, manslaughter, by imprisonment, and accidental, or self-defence homicide, which incurred no penalty—the accused was given the benefit of the doubt and the courts found it impossible to

convict. Consequently in 1817 it was enacted that "the killing of a slave shall partake of the same degree of guilt, when accompanied with like circumstances, that homicide now does."

This statute became the basic protection of the slave's life. In working out interpretations of it, the courts faced a number of questions. First was that of provocation; it was held that a wider range of extenuating circumstances existed to differentiate manslaughter from homicide in cases when whites killed slaves than in those in which whites alone were involved.[16] A second question was the extension of the common law; was procedure for offences against slaves limited to that of the statutes, or did the common law also apply? The supreme court in 1823 made a liberal decision, upholding indictment at the common law for murder of a slave and declaring that the statute could only modify that law.[17] Greatest of all was the relation of the master's property right to his responsibility for the slave's life. This was faced from three angles. First was the immunity of the master from punishment for assault and battery on his slave; in 1829 it was held that neither the master nor the hirer of a slave could be indicted for such cause, since "the power of the master must be absolute to render the submission of the slave perfect. * * * The slave, to remain a slave, must be made sensible that there is no appeal from his master; that his power is in no sense usurped; but is conferred by the law of men, at least, if not by the laws of God."[18] Now with such authority in the master could the slave, when his life was threatened, resist? This question was settled in the famous case of the *State vs. Will*, a case memorable in the traditions of the North Carolina bar, certainly the most important one in which the rights of a slave were concerned.[19] Briefly, Will, a slave, under fear of punishment by an overseer, ran, was fired upon and wounded, and when overtaken defended himself with a knife, fatally wounding the overseer. In the superior

[16] State vs. Tackett, 8 N. C. 210.
[17] State vs. Reed, 9 N. C. 454.
[18] State vs. Mann, 13 N. C. 263.
[19] 18 N. C. 121.

court he was convicted of murder, but appeal was taken to the Supreme Court. Bart F. Moore, one of the attorneys for the slave, made an unusually impressive argument, and the decision of the court, written by Gaston, was a victory for humanity. Exceptions to the unconditional submission of the slave and the unconditional power of the master were held to exist. "It is certain that the master has not the right to



Bartholomew F. Moore

slay his slave, and I hold it to be equally certain that the slave has the right to defend himself against the unlawful attempt of his master to deprive him of life." Therefore "if a slave in defence of life kills an overseer, the homicide becomes murder. *It seems* that the law would be the same with respect to killing a master or temporary owner under similar circumstances."

Undoubtedly this decision of the court, rendered at a time

when the pro-slavery spirit was dominating public opinion, did much to conserve the humanitarian tradition. Soon the protection of a slave's life was still more clearly defined. Supposing the slave should die under chastisement or punishment, was the master liable for homicide? In 1839 it was held that if death of a slave followed punishment by the master, the courts might review the circumstances, and if they showed intent to kill on the part of the master, indictment should follow; indeed, if the punishment were immoderate or unreasonable, it lost the character of correction and indicated contemplation of death.[20]

While the courts were working out the above principle, the legislature in 1816 conferred on the slave a notable privilege, that of benefit of clergy. Accordingly, the slave might escape the death penalty for larceny and similar crimes which at the common law were capitally punished. Cases are on record where this privilege was requested and granted. Benefit of clergy for both races existed until 1855, when it was abolished by the Code Commission.

While the slave's right before the courts and the protection of his life were established, the law and also the Supreme Court were not so liberal in other matters. The colonial patrol law of 1753 was made more stringent in 1779, 1794, and 1830. Unauthorized meetings of slaves and also the custom of hiring their time were prohibited in 1794, and the articles which they might dispose of without their master's consent were restricted between 1826 and 1833. More important were the limitations on manumission. The colonial statute prohibiting manumission except for meritorious conduct adjudged by the county court was reenacted in 1777 and further explained in 1796. In its interpretation the Supreme Court was strictly faithful to the evident intent of the law, the restriction of the free negro class. Illustrative was the case of *Huckaby vs. Jones* in 1822.[21] The testator bequeathed four slaves to trustees to keep them as they (the trustees) should "judge most for the glory of God and the good of said slaves." It was held that, as the testator did not intend any personal ben-

[20] State vs. Hoover, 18 N. C. 121.
[21] 9 N. C. 120.

efit to the legatees, his purpose was undoubtedly manumission, which being contrary to law, the trustees were ordered to hold the slaves in trust for the legatees. More explicit was the case of *Contentnea Society vs. Dickinson.*[22] The defendant conveyed a slave to the Quaker Society at Contentnea, under the condition that he receive the profits of his labor until such time as he could receive freedom by the laws of the state. Practically, however, the policy of the Quakers was to send such slaves outside the state, to the Northwest where manumission could be effected. Therefore the Court held in 1827 that a religious society could hold property for its use only, that the custom of the Quakers was manumission except in name, and therefore contrary to law, and that the conveyance of a slave to the Society was not valid. Yet when the rights of individual negroes were concerned, the Court was lenient. Those held as slaves were allowed to bring suit for their freedom; and whoever claimed the relation of master might be required to give bond to permit the collection of evidence by the plaintiff and to produce him before the court at the appointed session.[23] The rule of prescription was also applied in favor of the negro who had lived thirty or forty years outside of bondage; liberation at the tender age of two years was upheld, since it could not be shown that the child could not perform meritorious services; technicalities in procedure, such as verbal petition to the court and signature by the master's attorney rather than the master himself, were not allowed to invalidate manumission. But any silent agreement or intent to use slaves for their "own emolument" rather than that of the purchaser was held to invalidate a sale. Yet, direct provision in a deed for ultimate emigration to Liberia at the choice of the slave was upheld for, although slaves have "no capacity to make contracts, or acquire property, yet they have both a mental and moral capacity" to choose between remaining in slavery and becoming free.[24]

Evidently there were two tendencies in the law, one of

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[22] 12 N. C. 190.

[23] Evans vs. Kennedy, 2 N. C. 247.

[24] Sampson vs. Burgwin; Lemmond vs. People, 41 N. C. 99; Redding vs. Long, 57 N. C. 216.

liberalism, the other of restriction. Each reflected elements of public opinion. By 1830 the restrictive attitude was dominant. The causes of its triumph over liberalism were various. One was restlessness in the negro population. In 1802 a plot for a rising of slaves was discovered in the northeastern counties, and two negroes were executed. In 1805 an attempt at poisoning the whites was made in Wayne County for which one slave was burned at the stake and three others were sentenced to be hanged. In 1821 alarm in Jones County caused a muster of the militia. Finally in 1831 there was evidence that the Nat Turner conspiracy, which convulsed tidewater Virginia, had ramifications in North Carolina. In the tier of counties along the South Carolina line as far west as Richmond, and also in Wayne and Lenoir, a plan to rebel and march on Wilmington was disclosed. Twelve negro leaders were shot, three were hanged in Duplin County, and one in Richmond. In other eastern counties there was considerable excitement, but no evidence of intended revolt. Undoubtedly plans or even rumors of insurrection strengthened the reactionary sentiment toward slavery. A similar influence was the dissemination of abolition literature; an instance in point arose in 1830, when the governor referred to the legislature a copy of David Walker's *Appeal in Four Articles,* whose author, a negro of North Carolina birth, sought to arouse the slaves to efforts at progress and even insurrection.[26] The immediate effect was restriction on the education of the slaves. Finally, the increasing value of slaves as property, due to the extension of cotton culture, undoubtedly strengthened the position of the pro-slavery forces; it was natural that neither manumission nor a grant of additional rights could be procured as easily when the market price was rising.

The fight for greater restriction and its triumph may be traced in the proceedings of the legislature. In 1818 and 1819 bills to prohibit teaching slaves to read and write were rejected. In 1825 the Governor in his annual message referred to abolition resolutions of the Ohio legislature and sarcastically advised those opposed to slavery to heed the eleventh com-

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[26] Bassett, Slavery in the State of N. C., ch. V.

mandment, "Let every one attend to his own concerns." Another bill to prevent the education of slaves was lost, likewise bills to restrain conversation between free negroes and slaves regarding freedom, to prevent the immigration of free negroes, and to forbid emancipation societies. The next year feeling was more intense. A petition from Vermont praying for abolition was referred to the legislature, but the governor recommended a revision of the patrol laws and restriction on the immigration of free negroes. As a result the sojourn of free negroes coming from other states was limited to twenty days under penalty of fine of $500 or servitude at labor for not more than ten years, the county courts were authorized to hire out vagabond free negroes and to apprentice their children, and trading between free negroes and slaves in prohibited articles was made punishable with thirty-nine lashes. In 1828 another bill to prohibit the education of slaves was introduced but was rejected.

The year 1830 marked the turning point. Walker's *Appeal in Four Articles* strengthened the agitation for restriction and a series of laws was enacted which prohibited the slaves to be taught to read and write, ciphering excepted, against which protest was made by R. P. Dick of Guilford County, forbade games of chance between free negroes and slaves or their intermarriage, and subjected free negroes absent from the state for ninety days to the penalty imposed on alien free negroes. The circulation of literature tending to insurrection was made punishable with imprisonment for the first offence and with death for the second, and also imprisonment and thirty-nine lashes were imposed for the first effort to cause insurrection and the death penalty for the second. Manumission by the courts was allowed only after petition sixty days in advance and after bond of $1000 was given that the manumitted negro would leave the state within ninety days, and if he returned, he should be sold into bondage; however, negroes above fifty years of age might be manumitted for meritorious service and remain in the state, provided a bond of $500 was given as a guarantee for keeping the peace and that the negro would not become a public charge. The following year, 1831, the climax in anti-negro legislation

was reached with a law prohibiting free negroes to preach before slaves. Thus the sentiment for restricting the privileges of the slave and the free negro triumphed. It made further progress in 1835 when the constitutional convention took from the free negro the right of suffrage. However, much of the liberal sentiment was preserved by the Supreme Court. Many of its decisions previously cited were made after 1830, and in the case of the State vs. Manuel it was held that the free negro is a citizen and that the right to vote was merely a political right.[27]

The legislation of 1830-31 is also a landmark in relations between the two races. Previously there seems to have been little prejudice against the blacks, but afterwards an ever-increasing hostility on the part of the whites characterized race relations. This change is well illustrated by the free negro. In no southern state except Virginia was this class of blacks so numerous; it increased with each decade, rising from 4,975 in 1790 to 30,463 in 1860. Its origins were various; one was manumission; another was military service in the Revolution; a third was immigration; still another, according to Judge Gaston, was the cohabitation of white women and negro men, the children taking the status of the mother.

The distinctive characteristic of the free negro before 1830 was prominence in religious and educational life. One of the early Methodist ministers was Henry Evans, a shoemaker, local preacher, and free negro. Passing through Fayetteville late in the eighteenth century, he saw that the negroes of that place "were wholly given to profanity and lewdness, never hearing preaching of any denomination." He stopped to preach the Gospel to them, making a living at his trade. The whites were alarmed and the town authorities ordered him to stop preaching. He then held meetings outside the corporate limits. Reviewing his work the Sunday before his death, he said: "Three times I have had my life in jeopardy for preaching the Gospel to you. Three times I have broken the ice on the edge of the water and swam across the Cape Fear to preach the Gospel to you, and if in my last hour I

[27] Bassett, ch. V; Coon, Doc. Hist. of Public Schools in N. C., II, *passim;* Laws, 1830, chs. 6, 9, 14, 15; 1831, ch. 4.

could trust to that, or anything but Christ crucified, for my salvation, all should be lost and my soul perish forever." At length opinion changed, especially when no insurrection resulted from Evans' labors. Some whites visited his meetings and were converted; a rude frame church building was erected in Fayetteville with reserved seats for the whites; finally the white membership increased until the negroes were crowded to the rear. Fayetteville became a regular charge of the Conference with a white preacher, but Evans was given a room adjoining the church, where he lived until his death in 1810. Even more remarkable was the career of John Chavis. Born free, probably in Granville County about 1763, he won the interest of certain white people and was sent to Princeton, where he was privately tutored by Dr. Witherspoon. In 1801 he was a missionary in the Hanover, Virginia, Presbytery, but in 1805 he returned to North Carolina and became a licentiate of the Orange Presbytery in 1809, preaching to regular congregations at Shiloh, Nutbush, and Island Creek. His notable work, however, was that of teacher. He conducted schools in Granville, Wake, and Chatham counties. Among his pupils were the sons of prominent white families; one of his students, Willie P. Mangum, became a United States senator; another, Charles Manly, became governor; among others were the sons of Chief Justice Henderson. "My father," wrote Reverend James Horner, "not only went to school to him (Chavis) but boarded in his family. * * * The school was the best at that time to be found in the State." [28]

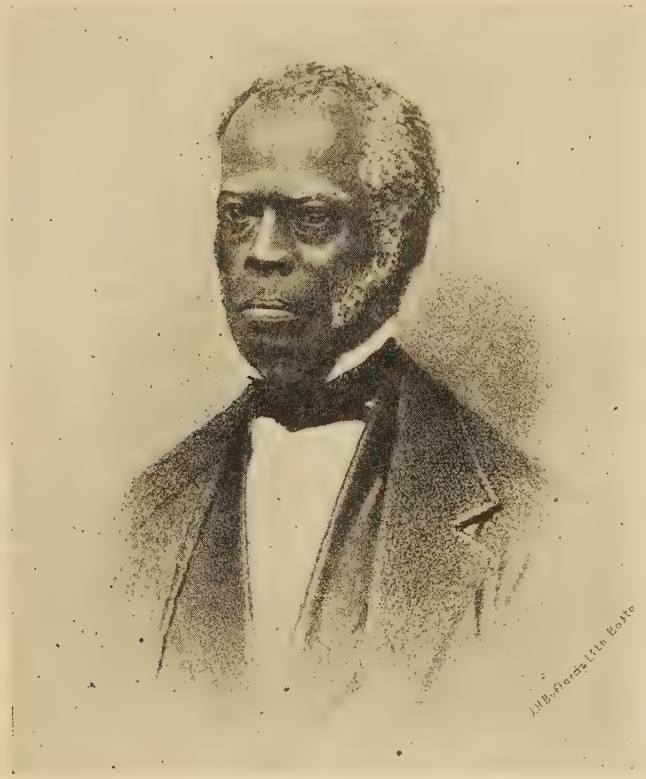
Among the Baptists, likewise, a free negro attained distinction, Ralph Freeman by name, of Anson County. "He was considered an able preacher," says Purefoy, "and was frequently called upon to preach on funeral occasions and was appointed to preach on the Sabbath at association and frequently administered the ordinance of baptism and the Lord's Supper." [29] A white minister, Joseph Magee, was his intimate friend, and they agreed that the survivor should preach the funeral of the one dying first. The duty fell to Ralph, and

[28] Bassett, Slavery in the State of North Carolina, ch. III.
[29] History of the Sandy Creek Association, p. 328.

he journeyed to Tennessee to fulfill it. The next year free negroes were forbidden to preach, but a petition was submitted to the legislature for an exception to be made in the case of Freeman. It was favorably reported by the Committee on Propositions and Grievances but was indefinitely postponed in the House of Commons.

Now the legislation of 1830-31 made impossible a continuation of such activities on the part of the free negro. Chavis left the state, and Freeman is no longer heard of. Moreover the spirit of toleration and recognition of merit was replaced by one of prejudice and open hostility. An excellent example was the career of Lunsford Lane, an intelligent and industrious slave whose master was Mr. Sherwood Haywood, of Raleigh. Ambitious to secure his freedom, he hired his time for a fixed sum, and engaged in the manufacture of smoking tobacco. When he had saved $1,000, he found his master's widow willing to make a bargain, but as he could not legally purchase his freedom, he was first sold to his wife's master, Benjamin B. Smith, in 1836. Mr. Smith, however, could not free Lane because he could not prove meritorious service. Consequently, when he next visited New York, he took the negro with him and there procured manumission papers. Returning to Raleigh, Lane prospered, opening a store and a woodyard in addition to his tobacco enterprise, and also becoming janitor and messenger in the governor's office. Desiring undisputed possession of his wife and six children, he contracted for them at $2,500. But his prosperity won the enmity of the poor whites and the suspicion of the political negrophiles. In November, 1840, Lane was notified by two justices of the peace that he must leave the state within twenty days or else suffer the penalty imposed on immigrating free negroes. A stay of the prosecution was secured until January, 1841. In the meantime, the legislature convened, and his friends introduced a private bill excepting him from the operation of the law. It was rejected and Lane was compelled to leave his business, his home, and the community in which he had prospered. He went North. Desiring to fulfill the contract for the purchase of his family and to have his wife and children with him, he told his

story wherever he could get a hearing. At length he returned to Raleigh, after receiving assurance that he could return in safety, to remove his family. He was again arrested and charged before the mayor's court with preaching abolition doctrine. He successfully defended himself, but a mob collected and threatened his life. As a concession he attempted



LUNSFORD LANE

to leave the city at once and was escorted to the train by a guard, but the mob would not let the cars leave, and Lane went to prison while his baggage was searched for incendiary literature. Leaving the prison at night, he was attacked by ruffians, tarred, and feathered; the next day he succeeded in leaving Raleigh with his family.[30] Thus the spirit of intol-

[30] Bassett, Anti-Slavery Leaders of North Carolina, pp. 60-74; Hawkins, Lunsford Lane.

erance and persecution replaced the liberal attitude toward the free negro which had prevailed before 1830. Gradually that spirit worked its way into politics, increasing the spirit of sectionalism, and ultimately resulting in a demand for the dissolution of the Union.

CHAPTER XII

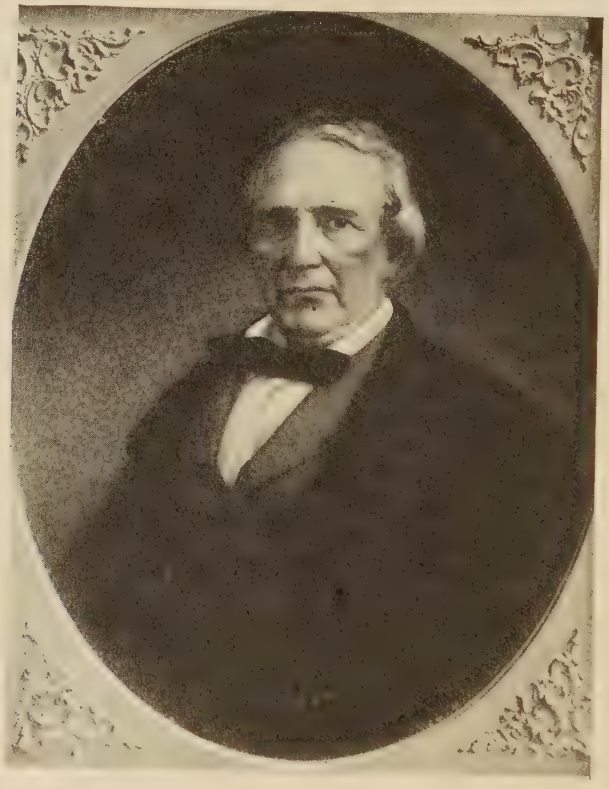
THE WHIG REGIME,—DOMESTIC POLICY

Railroads and Finance

The cleavage in national politics, resulting in the rise of the whig party, and the issues of constitutional reform and economic development were not only contemporary, but were closely related. For the revolt against Jacksonian democracy to be successful, it was necessary for its leaders to adopt some local issues which would make a popular appeal. These were found in constitutional reform, internal improvements, and the establishment of a public school system. It was not strange, therefore, that the cause of reform was endorsed by many of the anti-Jackson leaders, notably Mangum and Gaston, and that the whig party became the advocate of constitutional revision and social progress. An important result was the sectional alignment of parties. As the west gained by constitutional reform and was also in greater need of internal improvements, that region logically became the stronghold of the whig party, while the east naturally remained the bulwark of the democracy. However, the extreme eastern counties along the coast, which were not so well developed on account of their swamp lands, were attracted by the whig issue of internal improvements and gave their allegiance to that party. On the other hand the Jacksonian tradition was powerful in the west; this, together with the spread of the slave system into that region, brought about an alliance between certain counties of the west and the large slave holding counties of the east within the democratic party. Just as the whigs favored, the democrats opposed, state aid to internal improvements. One cause of the opposition was the fear on the part of the slavocracy that

it might have to meet an unproportionate share of the increase in taxes, which was essential to the whig policy.

The gubernatorial campaign of 1836 may be taken as the point of departure for the new epoch. State problems were scarcely mentioned, the contest being waged over national issues. But the whig nominee, Edward B. Dudley of New Hanover, was directly interested in internal improvements as



Governor Edward B. Dudley

the president of the Wilmington and Raleigh Railroad and in August he defeated his opponent, Governor Spaight; yet the prestige of Jackson was still strong enough to insure the choice of democratic electors in the presidential contest in November. The sectional alignment was characteristic of party history down to 1860. Dudley carried the following eastern counties: Beaufort, Brunswick, Carteret, Camden,

Columbus, Halifax, Hertford, Hyde, Jones, Northhampton, Pasquotank, Perquimans, Tyrrell and Washington. Spaight carried the following western counties: Ashe, Caswell, Haywood, Lincoln, Macon, Mecklenburg, Person, Granville, Rockingham, Richmond, Surrey, and Yancey. With these exceptions the west and the east were respectively whig and democratic.

A liberal policy toward economic and social reform was the basic principle in the local policy of the whigs. Dudley's administration afforded its first test. However the condition of the treasury was not auspicious. For several years expenditures had exceeded income and so diminished the balance accumulated before 1830. In addition a subscription of $375,000 to the Bank of the State of North Carolina had been made in 1835, which fell due in 1836. As the state's income was not sufficient to meet the obligation, the democratic legislature of 1835 had authorized the issue of "certificates binding the state for the payment of the money purporting to be due thereon, to the amount of $400,000," bearing interest at five percent, redeemable in 1860, and secured by the state's share of stock in the bank. The certificates were accordingly issued and were disposed of in two subscriptions; one of $100,000, made by the trustees of the University, the other of $300,000, by the Treasurer of the United States.

Thus a certificate debt secured by the bank stock was created by the democrats, while nothing was done to adjust the increasing difference between regular income and expenditures. Such a situation apparently was not favorable to state aid to public improvements. A rare fortune, like a bolt from the blue, gave immediate relief. That was the distribution of the federal surplus revenue among the states. The first three installments of North Carolina's share, amounting to $1,433,757.39, were apportioned in 1836. Thus was provided the means to adjust the state's finances and initiate a new policy of public improvement. A joint committee of the legislature, whose chairman was William A. Graham, a whig, recommended that $900,000 be placed to the credit of Literary Fund and the remainder be used for internal improvements. This was an example of the whig program of progress; the state's debt

should be allowed to run its course, and the entire federal fund be devoted to economic and social needs. On the other hand the democrats, led by William H. Haywood, proposed that all special funds held by the state, excepting the bonds from the sale of Cherokee lands, should be lumped together for four purposes,—the redemption of the state debt, the increase of the Literary Fund and the Fund for Internal Improvements, the drainage of swamp land in the east, and the construction of railways. Thus the whig program of progress was linked with the democratic policy of economy by providing for the extinction of the public debt. The principle rather than details of Mr. Haywood's plan was adopted. Accordingly $300,000 of the surplus revenue was applied to the redemption of the certificates held by the Treasury of the United States and $100,000 of stock in the Bank of the State of North Carolina was exchanged for the $100,000 of certificates held by the University. To the Literary Fund $500,000 were appropriated on condition that $300,000 be invested in stock of the Bank of the Cape Fear and $200,000 be used in the drainage of swamp land; $100,000 were appropriated for current expenses and the remaining $533,457.33 were appropriated to the Fund for Internal Improvements. A practical example of state aid was a mandate to the Board of Internal Improvement to subscribe on behalf of the state for two-fifths of the stock of the Wilmington and Raleigh Railway, amounting to $600,000. This line was chartered in 1834 to connect Raleigh and Wilmington, but when construction was begun it was diverted so as to connect Wilmington and Weldon near the Virginia line, the corporate name being changed to the Wilmington and Weldon in 1854. Moreover this stock and all future subscriptions to railway stock by the state were placed to the credit of the Literary Fund. Thus the policy of state aid to railway construction was initiated and also practically the entire assets of the Fund for Internal Improvements were assigned to the Literary Fund. The relative position of the two parties toward the policy was shown by the vote on the Wilmington and Raleigh Railroad Bill. In the Senate seventeen of the twenty-six ayes were whigs and eight of the thirteen nays were democrats; in the House of Commons

forty-one whigs favored and nine opposed the bill, while twenty democrats favored and twenty-three opposed it.

The above legislation truly marks an epoch. Just as the convention of 1835 made the government more responsible to the demands of the people, these financial measures of 1836 made possible a new period of economic and social development. Nor were the people unresponsive to the fact, for in 1838 Dudley was re-elected and the whigs secured a majority in both houses of the legislature, a supremacy main-

First Railway Office in Halifax County
(Wilmington and Weldon Railroad)

tained in the legislative department with one exception until 1848 and in the executive department until 1850. The policy of state aid was therefore continued. In fact it became imperative, for the nation-wide business depression known as the panic of 1837 made it exceedingly difficult to secure private capital for railway construction. So in 1838 assistance was given to a second line, the Raleigh and Gaston, chartered in 1835 to connect the capital with a railroad to Petersburg at Gaston. Its bonds to the amount of $500,000, redeemable in 1860, were endorsed and returned for a mortgage of all its

property. Even more clearly than the Wilmington and Raleigh legislation, this was a whig measure; of the thirty ayes in the Senate twenty-two were whig, and of the fifty-four in the House of Commons forty were whig. In 1841 a further endorsement of $300,000 of the company's bonds was made, redeemable in ten installments from 1845 to 1854, for which a second mortgage was taken. At the same time additional protection of the first mortgage was made by the personal notes of the stockholders, amounting to $500,000. This again was a whig measure; in the Senate twenty-one of the twenty-three ayes, and in the Commons twenty-six of the fifty-three, were whig. Aid was also given to the Wilmington and Weldon; first by a loan from the Board of Internal Improvements, $150,000 in 1837 and $150,000 in 1838; then in 1840 by a bond endorsement for $300,000, the bonds to be redeemed in annual installments of $50,000 from 1842 to 1847, a mortgage on the road being taken as a security. This was also a whig measure; of the twenty-three ayes in the Senate twenty-one were whig and likewise of the fifty-five in the House of Commons fifty-two were whig.

By these measures the roads were completed, both in 1840, the Wilmington and Raleigh also opening a steamboat line from Wilmington to Charleston.

But the railways did not immediately prosper. The city of Raleigh was not a trade center and little freight was sent over the Raleigh and Gaston. The steamboat line to Charleston did not secure the freight expected, since South Carolina capitalists and merchants were primarily interested in the development of railways within that state. Moreover both roads used wooden rails covered with iron strip, which proved inefficient and made necessary their replacement with metal rail; rates were so high that they were prohibitive; rolling stock was far from plentiful, and the territory served had not recovered from the panic of 1837. The inevitable result was financial embarrassment of the roads and the liability of the state as endorser. Thus in 1843 the Raleigh and Gaston could not meet the interest on its bonds, and the Wilmington and Raleigh failed to redeem $50,000 of bonds then maturing, thus making the state liable for $92,884. To meet the crisis

the Literary Fund was used, its directors being ordered by the legislature to purchase $50,000 of Wilmington and Raleigh bonds, and the state treasurer was ordered to draw on the Literary Fund and the Fund for Internal Improvements to meet the interest from the Raleigh and Gaston bonds. Again, in 1844 the state's liability for interest and principal on $50,000 of Wilmington and Raleigh bonds was met by use of the Literary Fund. In 1847 an extension of time was granted on the debts due the state for its endorsement of bonds and also the amount due the Literary Fund.

In the meantime, in 1845 suit for foreclosure under the mortgage was instituted against the Raleigh and Gaston. The road in vain resisted. The state, being the only bidder, purchased the property for $363,000, being the principal and interest due on the second mortgage. Then early in 1848 proceedings were ordered against the stockholders for the road's debt and their security under the first mortgage.

These experiments in state aid naturally became a political issue. The policy was never injected into the party platform but the democrats berated the whigs, spoke of repudiation of the state's liabilities, and the Committee on Internal Improvement in the democratic legislature of 1842 condemned the entire policy.

However the necessity for state aid still existed for, although many roads were chartered, none were constructed by private enterprise. Especially strong were the needs of the western counties. There the condition of trade had not improved. In 1845 a crop failure in the piedmont and mountain counties drove the price of corn from 50 cents to $1.50 per bushel; in the eastern counties the harvest was plentiful, surplus corn rotting in the field, but there was no adequate means of transporting food supplies from the east to the west. Consequently railroad agitation in the west revived. Two plans were prominent. One was to connect Charlotte and Danville, Va., at which points contact would be made with roads under construction from Columbia and Richmond, respectively. The other plan was to build a road from some point on the Wilmington and Weldon to the west with the financial assistance of the state. The decision between the

two plans lay with the legislature of 1848. The democrats, having raised the issue of manhood suffrage in the election of state senators during the preceding campaign, had greatly reduced the whig gubernatorial majority and had tied with the whigs in the legislative vote. Calvin Graves, democrat, was chosen Speaker of the Senate and Robert Gilliam, whig, of the House. Such an equal division of parties was apparently not favorable to state aid, especially since the promoters of the Charlotte and Danville line asked no public appropriation, only a charter. On the other hand there was a strong feeling that a road from Charlotte to Danville would strengthen the dependence of the people on the markets of Virginia and South Carolina and do nothing to abate the sectional feeling still existing. Moreover, the existing roads were in need of larger resources, which might be secured by increase of traffic from a line connecting them with the west. Thus a lively contest was furnished. Governor Graham in his annual message recommended the extension of the Raleigh and Gaston to Charlotte, with branches to Fayetteville and Goldsboro. In the legislature the friends of the Danville connection were the first in the field, Mr. Ellis of Rowan introducing a bill for its charter the day after the House of Commons perfected its organization. Bitter opposition was offered by eastern leaders, notably Edward Stanly, who denounced the measure as "the Danville steal," and after Ellis, its author, was elected superior court judge the measure made little headway. In the meantime Governor Graham's recommendation was worked into a bill by Senator Shepard, chartering the North Carolina Railroad, which should absorb the Raleigh and Gaston, also connect Raleigh and the west, build branches to Fayetteville and to some point on the Wilmington and Raleigh, to which the state should subscribe $500,000.

This bill did not have the support of the east, for contact with the Wilmington and Weldon was not one of its essential features, and it was therefore rejected. In the meantime the eastern leaders also prepared a railroad bill, which provided for a line, also known as the North Carolina Railroad, to extend from Goldsboro, on the Wilmington and Raleigh, to Charlotte via Fayetteville, with state aid to the amount of

$2,000,000. Finally realizing that no bill for state aid could pass which did not also have the support of the Raleigh and Gaston interests and the politicians from that section of the west which would profit by the Danville route, the details of the bill were changed so that the road should run via Raleigh, Hillsboro, Greensboro, Salisbury, and Charlotte. It is notable that not only were the Raleigh and Gaston interests catered to, but that Hillsboro was the home of Governor Graham, that Greensboro was the home of Ex-governor Morehead, and that Salisbury was the home of John W. Ellis. The final draft of the bill, made by Senator William S. Ashe of New Hanover, was introduced in the House of Commons by Mr. Mebane of Orange. The crisis in the debate was reached in January 1849. Rufus Barringer of Cabarrus made a final plea for the Danville connection. Mr. Stanly interrupted with a charge of "selling out" to Virginia and South Carolina. "This I resented," says Barringer, "and defied him to make us an offer of any bill providing for a general North Carolina system, likely to pass, and with sufficient state aid to secure its completion, and I for one, would vote for it."[1] Stanly's reply was to hold up the Ashe bill with the pledge of the support of himself and his eastern friends. Thereupon the Danville bill was tabled and a few days later, January 18, the Ashe bill, with amendments for the relief of the Raleigh and Gaston, was adopted by the House with a majority of eight. Then it was sent to the Senate. There the outlook for its passage was doubtful. The democrats, conservative toward state aid, had a majority and the Speaker, Calvin Graves, came from Caswell County, which would benefit directly by the Charlotte and Danville route. The first and second readings were formal, the test being on the third, which took place on January 25. The galleries were packed with visitors. Walker of Mecklenburg, committed to the Danville connection, spoke against the bill, pointing out the state debt involved and the superiority of the Danville connection, to be built by private enterprise entirely. Gilmer of Guilford spoke for the bill. The vote showed a tie. Thereupon "the slender form

[1] History of the North Carolina Railroad.

of Speaker Graves stood up, and leaning slightly forward, with gavel in hand, he said, 'The vote on the Bill being equal, twenty-two ayes and twenty-two nays, the Chair votes yea.' The Bill had passed its third and last reading." Wrote one of the spectators: "I have seen and read of many memorable and famous contests, and have witnessed many outbreaks of popular applause; but never anything like that then following. Even the granite capitol seemed to shake for joy, but this was not all. There was then no electric telegraph in North Carolina; no express lines; no mail delivery; but immediately every man and woman, every boy and girl, became a sort of message bearer. News was hastened in every possible way to every nook of the Old Commonwealth, and the one phrase was 'Speaker Graves has saved the State—the Railroad Bill has passed.'"[2]

The charter as finally adopted created the North Carolina Railroad Company with a capital stock of $3,000,000, two-thirds of which was to be subscribed by the State of North Carolina, to be met by the issue of six percent bonds. There was some difficulty in completing the private subscription of $1,000,000 and opponents of the road openly talked of repealing the charter. But certain friends of the cause assumed responsibility for the unsold stock and the organization of the corporation was perfected at a public meeting in Salisbury on July 11, 1850, where the sale of the stock for which liability had been assumed was begun. There was little response to the request for stock subscriptions until William Boylan of Raleigh arose and said: "This morning I happened to recall that when I was a boy spelling books and geographies all said that the main staples of North Carolina were tar, pitch and turpentine, and I asked to see one of the new books to find out if there is any change. They brought it to me and there was the same old picture! My friends, I want to see this changed, and that too before this feeble frame goes to its grave. Do you say so? Shall it be done?" This appeal aroused the audience and the stock in question was soon sold. "As instance of noble response, Dr. John Fink of Concord,

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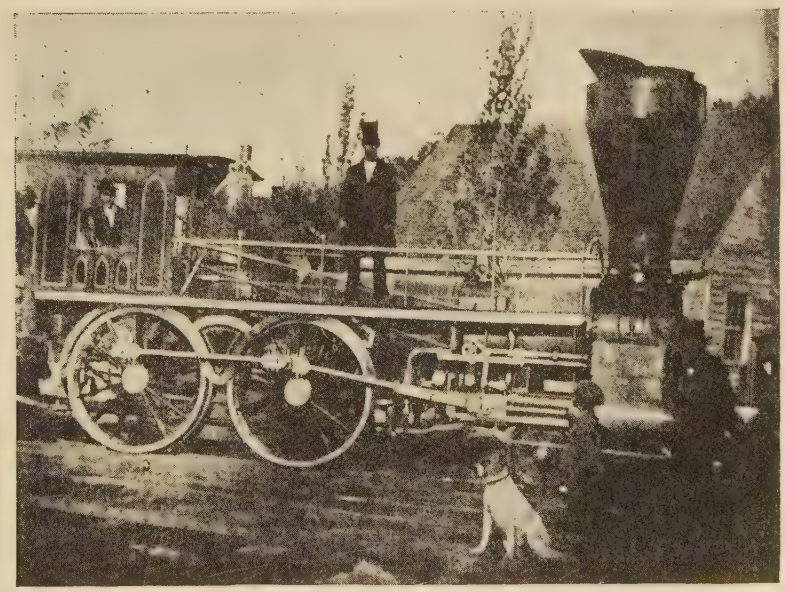
[2] Ibid.

worth probably $4,000, took stock for $8,000 and made it good: two maiden ladies of Cabarrus, Betsie and Kattie Burns, worth probably $2,000, took $1,000 each." July 11, 1851, the work of construction was begun. Additional state aid to the amount of $1,000,000 was granted in 1854, the state at the same time assuming the right to appoint eight of the twelve directors. The road was completed, from Goldsboro to Charlotte, in 1856.

Stock subscription to the North Carolina Railroad was not



LOCOMOTIVE, R. & G. R. R. WITH W. W. VASS, PRESIDENT OF THE ROAD

the only state aid extended by the legislature of 1848. The charter of the North Carolina Railroad also provided for the organization of a new Raleigh and Gaston Railroad Company, to which the state would make over one-half of the road's property and also release the original stockholders from suits pending against them, upon condition that the incorporators subscribe and expend $500,000 on the physical improvement of the road. Moreover the state also subscribed one-half the amount necessary to connect the Raleigh and Gaston and the Wilmington and Weldon between Littleton

and Weldon, the state's share amounting to $87,500. In 1850 a further reorganization was made by which the capital stock was fixed at $800,000, one-half to be taken by the state which should appoint three directors to the company's four. In 1848 assistance was also given the Wilmington and Raleigh by endorsing its bonds to the amount of $250,000, for which a mortgage was taken. Less important were the appropriation of $40,000 to the improvement of the Neuse River between Smithfield and New Bern, $40,000 for connection of the upper Cape Fear and Deep river, $25,000 for improvement of the Tar River from Washington to its fall, the subscription of three-fifths of the stock of the Fayetteville and Western Plank Road, and the diversion of the proceeds of land sales in Cherokee, Macon and Haywood counties for a turnpike from Salisbury to the Georgia line.

The railway policy above outlined marked an epoch in the economic history of the state. The land-locked farmers, on whom long distance from market had for generations imposed a burden through the high cost of transportation, found relief in the railroad. Illuminating is the following extract from the minority report of the Committee on Internal Improvements made to the legislature of 1842:

> The first striking advantage resulting from Rail Roads is seen in the certainty and dispatch with which persons and produce are conveyed on them. Persons travel on them at the rate of one hundred and fifty to two hundred miles in twelve hours, with as much safety as by any other mode of conveyance, and at a great saving of time and expense. The transportation of produce on them, although not quite so expeditious as the conveyance of persons, is yet five times more so than by wagons. This speedy transportation, always advantageous, is frequently of the utmost importance. A rise in the price of produce often takes place, which continues but for a short time, and it is very material that farmers and merchants should be in a situation to avail themselves of such rise. A single example will sufficiently illustrate this advantage. During the last fall, the price of wheat in Petersburg opened at $1.12½ per bushel. In these times of low rates for all articles, this price was considered very good, and every one felt anxious of profiting by it, for it was forseen that it would continue but a few weeks. A farmer and merchant in Granville promptly availed himself of the Rail Road in his neighborhood, hastened his wheat to market and obtained for it the price before mentioned; whereas, those who had to depend on the more tardy transportation of wagons, generally sold at but seventy-five cents per bushel.

But a still more striking and conclusive advantage, results from the great reduction effected in the expense of carrying produce to market. Previous to the construction of Rail Roads in the neighborhood of the falls of Roanoke River, the price of waggoning cotton and other articles to Petersburg was from seventy-five cents to one dollar per hundred, so that the saving to the grower of produce is, at the lowest estimate, twice as much as the freight per hundred on the Rail Road. Again, a merchant of much intelligence in Raleigh, has furnished the minority with a statement, showing the rates formerly paid on the transportation of produce, by wagons, to Petersburg, and the rates now paid by the Rail Road. From this statement it appears, that the price by wagons was from one to two dollars per hundred, the average being one dollar and fifty cents. The price now paid by the Rail Road for the same articles is seventy cents, being a saving of more than one-half of the former rate. By wagons the price paid on salt was two dollars per sack; the price now paid by the Rail Road on the same article, is sixty-five cents, being a saving of double the amount now paid by the Rail Road. The saving to the growers of produce, who send to market by the Wilmington and Raleigh Rail Road, has also been very great.

No less important were the effects of the railroads on social life. Intercourse between the people of the east, predominantly of English extraction, and the sturdy yeomanry of the western counties, mainly of Scotch-Irish and German descent, was facilitated by the North Carolina Railroad. The stress of local sectionalism was thus reduced. The spirit of individualism was tempered by a wider acquaintance and a new sense of public duty. The democrats, who bitterly denounced state aid in its early years, themselves adopted the policy after they came into power in 1850.

The early history of the railroads is replete with matters of antiquarian and other interest. Of these the character of the rails was notable. As stated, the first type used was the "strap iron," consisting of a long wooden sleeper with strips of iron nailed on the top side. Often these iron strips became loose, and as a train passed over them they would fly up and cause a wreck. Said the president of the Wilmington and Raleigh in 1848: "We are aware that the public generally have a dread of traveling upon strap iron roads, and although by the most unremitting exertions our road has been kept in such condition that no serious accidents have occurred, yet, it can not be disguised that the common dread of traveling on such roads is not without just cause." The re-railing of the

Wilmington and Raleigh and the Raleigh and Gaston with T iron became a necessity. The low state of railway finances brought about an appeal for state endorsement of new bond issues. To the Wilmington and Raleigh's appeal the legislature of 1848 did not respond; instead it permitted a bond issue of $520,000 supported by a first mortgage. But the bonds would not sell at home or abroad. Finally 9,000 tons of rails were secured in England, payment being made in bonds. But when the rails reached the United States the duty and freight amounted to $125,000, and there was not sufficient money in the company's treasury to pay the bill, to say nothing of the expense of laying the new track. To meet the crisis the company adopted the policy of calling in its stock by offering reduced passenger fares in return for each $100 share surrendered. It was hoped that the value of the stock would thus appreciate and passenger traffic would also increase. Congress and the legislature were also appealed to; the former allowed the rails to be delivered, provided that the duty be deducted from the amount paid by the post office department for carrying the mails over the road. The legislature authorized an increase of the capital stock to $2,500,000. By these means were the rails paid for and money secured to place them. Provision for rehabilitation of the Raleigh and Gaston was made in the reorganization of the corporation in 1848.

Rates and passenger fares also constituted a problem. As the prevailing belief in the days of early railroad agitation was that passenger travel would afford the chief income, the early fares were high. On the Wilmington and Raleigh a through ticket from Wilmington to Weldon, a distance of 161 miles, cost $20; it was later reduced to $12, resulting in an increase of travel. Over discrimination in freight rates there was complaint; likewise of free passes. Meetings of stock holders were usually gala occasions, attended by stockholders, directors, officers and their families, all traveling on special trains. Connections with roads outside the state and competition with other lines were a problem. It was hoped that the Wilmington and Raleigh through its steamboat lines would secure through freights from Charleston. But the Charles-

tonians were interested in transportation schemes of their own; hence in 1847 the Wilmington and Manchester was chartered to directly penetrate the plantation region of South Carolina. Somewhat later difficulty arose with the Virginia railroads, which sought to divert traffic from the far South over the Virginia and Tennessee Railroad, a line extending to Chattanooga, away from the South Carolina and North Carolina lines. The least prosperous of the roads was the Raleigh and Gaston, but its business took on a new life with the construction of the North Carolina Railroad, which proved from the very beginning a profitable investment. There were also legal problems before the builders of railways, notably the question of eminent domain, which was affirmed by the Supreme Court in 1837.[3] In 1855 the Wilmington and Raleigh established a hospital for the treatment of its employees, a policy which proved permanent.

The whig program of state aid to railroads and other means of transportation made a reform of the public finances necessary. Spite of the $100,000 assigned to the unappropriated revenue from the federal surplus in 1836, another period of deficits arose within a few years. For this one cause was the construction of the new capitol. Its total cost, $572,070.53, was made in installments beginning in 1836. When the last, amounting to $31,581.00, fell due in 1841, the revenue was insufficient to meet it and the crisis was tided over by use of the Literary Fund. Then followed responsibility for railway obligations. In 1843, when the Raleigh and Gaston and the Wilmington and Weldon failed to meet their bonded indebtedness endorsed by the state, there was another deficit, also met by the use of the Literary Fund. The following year the Literary Fund was again used to meet an obligation arising from the default of the Wilmington and Weldon in redeeming its bonds. In 1845 a deficit of $27,000 in general expenses was met in the same way, raising the full indebtedness to the Literary Fund to $97,997.00. In 1846 practically the entire Fund for Internal Improvements was wiped out by appropriating its principal, $75,839, to meet another deficit in general expenses.

[3] R. & G. R. R. Co. vs. Davis.

In the meantime a revision of the tax system was undertaken. The first step was to utilize more thoroughly the existing schedule and rates by the reassessment of landed property and a new enumeration of the polls. This was ordered in 1836; it disclosed an increase of over 3,000,000 acres; yet the resulting increase from the land tax was less than $7,000.

Another valuation in 1846 added 1,500,000 acres and 1,809 polls, bringing an increase in the land tax of nearly $6,000 and in capitation tax of over $1,500. However re-valuation and re-enumeration were not sufficient to meet the constant increase in expenditures. As there was much conservatism toward increasing the rates on land and polls, an effort was made to find new tax schedules. In 1846 and 1848 rates were placed upon inheritances, incomes, licenses, and luxuries, which rates were revised and expanded in 1854 and 1858. The agrarian standard of living and also rural prejudice were reflected in the income tax which levied three dollars on each $500 of salary and fees, and in the tax of three cents on each one dollar of interest, increased to four cents in 1854. The principle of the license tax was not new; its schedule was widened to include bowling alleys, playing cards, mortgages, marriage licenses, insurance companies and bank agencies. The old discrimination between local and state business also continued; thus drovers bringing cattle from other states were assessed $5 for each county, agents for vehicles not manufactured in North Carolina $100 for each county, while agents for North Carolina vehicles were assessed only $50, and liquor dealers buying from distilleries located in other states were assessed 10%, but only 5% when purchasing from North Carolina distilleries. The luxury tax included gold and silver plate, carriages, bowie knives, canes, pianos, harps, and pistols. Investment taxes of one-fourth, later of one-third of one per cent on the capital invested, were levied on merchants and five per cent on the value of drugs, provided the owner was not a native of North Carolina. Not until the policy in the above schedule was well established was there any change in the rates upon land and poll. In 1854 these, which since 1817 had been 6 cents on $100 value of land and 20 cents on the poll, were increased to 12 cents and 40 cents respectively; in 1856

the rate on land was fixed at 15 cents and that on the poll at 50; in 1858 they were increased to 20 and 80 cents respectively, but in 1860 the land tax was reduced to 18 cents. The general effectiveness of these measures is shown by the increase in taxes; in 1835 the amount raised was $71,740, in 1850 $141,610, in 1860, $667,708. There were, however, inequalities in the revenue system, especially the light tax on slave property when compared with similar values on land or income, for which it paid only the rate on the poll.

Undoubtedly the principal cause of the expansion of the revenue in 1848 and thereafter was to meet the interest on the bond issues. The policy of issuing bonds was begun in 1848 as a means of meeting obligations for stock subscription to the North Carolina Railroad, the Fayetteville and Western Plank Road and other public works, and also of paying off temporary loans and meeting obligations for the Raleigh and Gaston subscription. These early issues were successful and the policy continued under the democratic régime from 1850 to 1860. At the latter year the total bonded debt amounted to $9,125,505.

CHAPTER XIII

THE WHIG REGIME; DOMESTIC POLICY

Public Schools, Asylums, Legal Reform

Contemporary with the whig policy of aid to the railways and revision of the revenue were other movements of equally vital importance,—the establishment of a system of common schools, the foundation of asylums, and legal reform.

The educational movement began with the legislature of 1836, which added to the Literary Fund $500,000, to be invested in swamp lands and bank stock, and also the state stock in the Wilmington and Raleigh and all future railroad stocks held by the state. At the same session there was a demand for the immediate enactment of a school law, but the problem of framing an adequate measure was so great that the matter was referred to the trustees of the Literary Fund for a report at the next session. The result, after somewhat divergent bills had been introduced in both houses of the session of 1838, was a compromise measure, adopted January 7, 1839, by a non-partisan and almost unanimous vote. The law provided for an election in each county for the establishment of schools; in those counties in which the issue was carried the county courts were directed to appoint a board of county superintendents who should lay off school districts and appoint school commissioners for each district. It was also the duty of the court in each county voting for schools to levy a tax of $20 for each district, to be supplemented by an appropriation of $40 from the Literary Fund.

Now followed a state-wide campaign on the question of schools. The arguments advanced by the opposition well illustrated the contrast of the ideals of progress and reaction. The local tax was held to be a burden to the poor, unjust

to the childless, and also to those who educated their children at their own expense. The school law was also criticised as impractical in that the school districts would be too large, the salaries of the teachers too small, and the expected school term of three months too short. The case of the self-made, prosperous citizen was held up as an example of the uselessness of education. Illustrative was an incident in Rowan County. "There are some self-sufficient ones in this county," wrote the editor of the *Carolina Watchman,* "who say they never had any education and they have got on very well, and their children can do as they did. We were told a joke on one of these gentlemen which we think will answer as well as any argument we could advance. This natural genius had been holding forth at a gathering against the School Bill and holding up his own success as a proof that *natral* sense was better than *edecation.* In the midst of the harangue a neighbor took him out to pay him the balance on a note which he held. Neither creditor or debtor understanding figures, they called to a schoolmaster in the crowd to come and calculate the interest for them. 'Let Mr. M. do it by his *natral* sense,' said he of the birchen sceptre; and the crowd shouted at the expense of the genius." [1]

However the cause of schools was supported by the more virile newspapers, many members of the legislature, and some of the county officials. As result, nearly all the counties voted to take advantage of the school law, the exceptions being Columbus, Edgecombe and Wayne in the east, and Davidson, Lincoln, Rowan and Yancey in the west. At the succeeding legislature the school law was amended by apportioning the Literary Fund among the counties according to federal population and authorizing, instead of requiring, the county courts to levy a local tax not greater than half the appropriation from the Fund.

The legislation providing for common schools indeed marks an epoch. For a decade, however, there was neither universal response to the opportunity offered nor any organization or administration resembling a modern school system. The

[1] Coon, Documentary Hist. of Public Education in N. C. to 1840, II, p. 896.

natural conservatism of the people, the lack of successful experience in public education in neighboring states, the apathy toward local taxation, and the old feeling that public aid smacked of charity,—all these provoked a sense of indifference. Establishing schools was left to the option of the counties, and not until 1846 did all respond to the opportunities of the law. As the county courts were authorized, not required, to levy the local tax, some of them levied a moderate tax, others a very small one, and some none at all. Hence "in all those counties dependent solely on the Literary Fund, the sum they received, when subdivided among a large number of districts is so small per each that many districts have no schools at all, and derive no benefit from this provision."[2] Indeed in some counties all the income from the Fund was not spent on schools but found its way into the pocket of local officials; Governor Manly in 1850 estimated that certainly $90,000 and probably $180,000 had been so lost. There was practically no executive or administrative control, the trustees of the Literary Fund confining their activities mainly to financial matters, and few counties made reports to them on the condition of schools as required by law in 1846. Thus "diverse habits sprung up in different counties, and the best county system, made so by the exertions of discreet and zealous local friends, naturally felt least interest in state action and the system as a whole."[3] The result was that in many sections school houses were deserted, the doors broken from their hinges, and the grass grew in the school yards.

There was also a dearth of capable teachers, and considerable opposition to the new type of institution was often manifested by the academies and the old field schools. Distribution of the proceeds of the Literary Fund according to federal rather than white population caused criticism in those counties which had few slaves. Yet the forces of progress were at work. The educational law was the most liberal and modern in the South at that time, for it made no distinction between the children of the pauper and those of the wealthy,

[2] Message of Governor Manly, 1850.

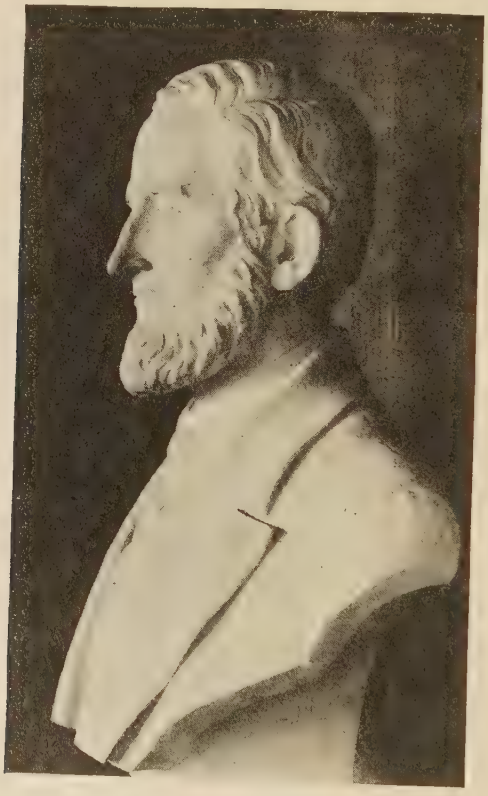
[3] Wiley, Hist. of Common Schools of N. C. (N. C. Journal of Education, Sept. 15, 1881).

and by 1850 approximately 104,000 were enrolled in the common schools, which numbered 2,657, a record excelled in the South only by Tennessee. In 1851 definite action toward the better preparation of teachers was taken. Braxton Craven, principal of Union Institute, in Randolph County, presented in pamphlet form a plan for teacher training. By act of January 28, 1851, Union Institute was changed to Normal College and its graduates were authorized to teach in the common schools without re-examination by school authorities. In 1852 an amended charter provided a loan of $10,000 from the Literary Fund, made the Governor and the Superintendent of Common Schools respectively, *ex-officio* president and secretary of the board of trustees, a relationship which the state maintained until 1859.

By far the greatest improvement in the nascent educational system came during the democratic regime, by the institution of the office of Superintendent of Common Schools in 1852. Its first incumbent was Calvin H. Wiley, of Guilford County, a young lawyer of prominence and author of two works of fiction, "Alamance" (1842) and "Roanoke" (1849), and editor, with W. D. Cooke, of *The Southern Weekly Post* (Raleigh), designed to cultivate among native North Carolinians a knowledge of the history and resources of the state and an improvement of literary taste. From his assumption of the state superintendency on January 1, 1853, to the close of the Civil War, the common schools are as much a part of Mr. Wiley's biography as a chapter in the state's history. His constant appeals to the public, his patience, self-denial, and sense of moral responsibility made him a veritable missionary. Indeed "he assumed his delicate trust on his knees, solemnly committing his way to God, and resolving ever to seek his guidance, and to act as before him."[4] His first work was to arouse public opinion to the cause. For this purpose he visited all parts of the state by private conveyance. "Incessant efforts by pen and tongue were required to correct misconception, to make known the true spirit of the mission of the schools, to provoke system and

[4] Ibid., July 15, 1882.

uniformity of effort, to overcome doubts and combat covert and open opposition, and create and foster a healthy public spirit on behalf of the system. Special pains were needed and taken to show academies, high schools and colleges their interest in the common school, to enlist sympathy and co-operation of ministers of the gospel of all denominations



Calvin H. Wiley

as a duty to humanity, and to make friends of the cause everywhere feel that it was one, and that the teacher and officer of the coast were joined to officer and teacher on the Smoky Mountains. At that day all these points, some of which now seem elementary, had to be fixed, and some of them after a hard struggle, and the whole system had to be purged of the fatal taint of charity once adhering to it and especially,

after protracted effort, lifted from the beneficence of a class, to that of a fundamental interest of all the state."[5]

No less important was the necessity of supplying more and better equipped teachers. Those immediately available were mainly self-taught, individualistic and ignorant of the higher branches. "The teacher in most cases," said Dr. Wiley, "was a law to himself, knew little of the methods of his brothers at other places, and never regarded himself as an element of a general system, and his progress was in the mechanical art of writing, and from years of practice many became masters of penmanship and naturally looked with contempt on their brethren of the new generation whose qualifications were mental and who had not spent a life time in learning to make graceful curvatures and flourishes with the quill."[6]

Several methods were used to solve the problem of the teacher. One was to establish examining boards in each county and to require the teacher to secure from them certificates annually. Another was to get recruits from a class which had as a rule overlooked the teaching profession, ambitious young men and women who had to rely on their own efforts for a livelihood. An important result was to increase the number of women in the teaching force, yet in 1860 the number of men and women teachers licensed were respectively 1,849 and 315. The question of teacher training was met by county institutes rather than normal schools. Professional organization was perfected through the Educational Association of North Carolina, the direct outgrowth of a teachers' convention held in Goldsboro in May, 1856. In the same year appeared the first issue of the *North Carolina School Journal;* its publication, suspended after the first year, was resumed in 1858 under the new title, *The North Carolina Journal of Education,* Wiley being chief editor. The matter of textbooks also received attention. It was Wiley's hope to see founded a uniform series especially adapted to North Carolina conditions. To that end he planned a series of readers and other textbooks before his election to the superintenden-

[5] Ibid.
[6] Ibid., March 15, 1882.

cy; but after entering on the duties of the office he sold all copyrights and plates to A. S. Barnes & Co., for cost. This disposed of his *North Carolina Reader,* published by Lippincott in 1851; later editions were published by Barnes and also two other North Carolina Readers, edited by Professor F. M. Hubbard, of the University.

Dr. Wiley's efforts on behalf of the common schools were successful. In 1860 the number of schools was 2,854, the number of teachers licensed 2,164, the average salary $26 per month, the enrollment 105,054 out of 200,855 of school age, and the average school term was 3 2/3 months. The school expenditure was $255,641, of which approximately $100,000 was from local taxation, the remainder coming from the Literary Fund. Although the percentage of white adult illiterates had not been materially reduced from that of 1840, the idea of a common school had been well integrated in the life of the people, and Wiley, a whig, held office continuously under the democratic administration.

School administration was not the only educational problem. The management of the Literary Fund was equally as vital. In 1836 the Board of Trustees was reorganized, the governor remaining president and appointing the other members. Its principal duty was the oversight of the Fund's securities and the investment of that part of its income not appropriated to the schools. As public education was only one of the movements for social and economic improvement, there was a strong feeling that the Literary Fund should aid kindred causes. Thus by 1840 the trustees had invested $140,000 in state endorsed bonds of the Raleigh and Gaston Railroad and $85,000 in privately endorsed bonds of the Wilmington and Weldon, and in 1842 they also invested $1,800 in Wilmington and Weldon bonds and $22,764 in bonds of the Raleigh and Gaston. Where the trustees led, the legislature followed, that body in 1843 ordering the trustees to invest $50,000 in the maturing bonds of the Wilmington and Weldon endorsed by the state, which neither the road nor the treasurer could redeem. Another legislative policy was to meet deficits with the fund; by 1850 $122,150 had been so used and $40,380 of bonds and notes had also been trans-

ferred to the general fund. No interest was paid on the money thus used until 1853, none on the bonds and notes transferred until 1857. Moreover the treasurer used the Literary Fund to meet temporary deficits, restoring the money when the tax returns came in.

Among other investments by the trustees were state bonds ($97,000), state endorsed bonds of the Fayetteville and Western Plank Road ($12,500), and bonds of the Cape Fear and Deep River Navigation Company ($93,000). Appropriations ordered by the legislature were made to turn-pikes in the mountainous section, amounting to $8,799. Bank stock was another favorite investment. In 1839 and 1840 $115,000 were invested in the Bank of the Cape Fear, and $2,700 in the Bank of the State in 1843. When the charter of the latter corporation expired in 1858, the fund invested in the stock was transferred to its successor, the Bank of North Carolina. The cause of private education was also aided by loans as follows: to Wake Forest College $10,000, to Normal (later Trinity College) $10,000, Greensboro Female College $7,000, Chowan Female Institute $3,000, Clinton Female Institute $3,000, Floral College $2,000, and Mt. Pleasant Academy $2,000. Education of the deaf, dumb and blind was also aided by an appropriation of $5,000 a year beginning in 1845, increased to $8,000 in 1852. Loans to individuals amounting to $282,677 were made in 1838 but by 1860 these had been reduced to $5,821.

The final investment by the trustees of the Literary Fund was in swamp lands. According to the act of 1836, $200,000 of the $500,000 of the surplus revenue apportioned to the Literary Fund was to be used in the improvement of the swamp lands. Such an undertaking had been suggested as early as 1819 by Archibald DeBow Murphey in his "Memoir on Internal Improvements," and in 1822 the Board of Internal Improvement ordered surveys of the lands in question, reports being made in 1823 and 1827. The Board suggested in the latter year and also in 1833 that Mattamuskeet Lake be selected for experimentation in drainage, but no action was taken. In the meantime the swamp lands were vested in the

Literary Fund in 1825, and the distribution of the surplus revenue in 1836 made possible drainage work.

Three distinct operations were begun. First was the drainage of Mattamuskeet Lake in Hyde County. By a special act $8,000 was appropriated to this enterprise, and approximately 8,000 acres were reclaimed by 1842. The second and also the largest project of this kind was the drainage of Pungo and Alligator lakes by connecting them with Pungo River. By 1842 this work was completed at an expenditure of $175,-553.34, and approximately 60,000 acres had been reclaimed. The third area drained consisted of "open prairie" lands in Cartaret County, on which $5,000 were expended. In addition to the expenditures for drainage were those for the construction of roads These cost over $10,000. Other expenses brought the total expenditure for the swamp territory by 1860 to $200,608.48.

The returns on this large expenditure were meagre, amounting to $22,294.69. For this there were several reasons. One was that the drainage made was not extensive enough to be profitable; main ditches only were constructed and the purchaser of lands had to dig new trenches to connect with them. Also the nature of the lands in many places was not realized; thus in the Mattamuskeet region after drainage was effected only sand beaches were disclosed. To these causes must be added the matter of titles. In earlier days much of the swamp lands had been entered; although no settlements had been made, the state found that counter claims made impossible the sale of the lands.

From the management of the Literary Fund as outlined above certain conclusions are evident. First of these is that the trustees as well as the legislature believed that the principal and the unexpended balances should be used to support such enterprises of general economic and social interest as railways, roads, banks, swamp lands, drainage and private schools. Even the needs of the state treasury were temporarily supplied by the Fund. It is also evident that some of the investments were not successful, notably those in the swamp lands. The war opened before the plank roads, chartered in the 'fifties, whose endorsed bonds were held by the Fund, could

be completed, and no dividends were reported from the roads in the mountain section. However no great calamity overtook the Literary Fund, and no complaint was ever made that the cause of the common schools was actually retarded by the investments of the legislature and the trustees.

Contemporary with the agitation for common schools was the movement for the proper care of physical and mental defectives. Murphey, in his plan of a comprehensive school system submitted in 1817, had included an asylum for the deaf and dumb. Ten years later the North Carolina Institution for the Instruction of the Deaf and Dumb was chartered. Estimating that the number of deaf and dumb in the state was approximately 400, the incorporators in January, 1828, petitioned the Federal Government through Senator Nathaniel Macon and Congressman John H. Bryan for a donation of public lands as an endowment for "the accomplishment of the object in view." The petition was fruitless, and with it apparently ended the activity of the institution. A new and more successful agitation began in 1842. Governor Morehead in his first message to the legislature recommended the establishment of asylums for the deaf, dumb, and blind, and for the protection of unfortunate lunatics. The recommendation was fruitless. The following year William D. Cooke, principal of the Deaf and Dumb Institution at Staunton, Virginia, wrote Governor Morehead concerning the feasibility of founding a private school for the deaf and dumb in North Carolina. Many applicants for entrance to the Virginia asylum were turned away for lack of accommodations; these, with the 280 mutes reported to be in North Carolina by the census of 1840, would form a clientele for the proposed institution, which in turn might expand into a state institution. Governor Morehead, anxious for moral support of the cause, conveyed his correspondence with Cooke to Reverend James Phillips, presiding officer of the Presbyterian Synod of North Carolina, which convened at Raleigh in March, 1844. The Synod adopted resolutions commending Governor Morehead's interest in the deaf and dumb, approved the idea of an institution under the superintendency of Cooke, and requested members of the Synod to furnish the governor any facts that might be of service.

The following November Governor Morehead again recommended to the legislature that some provision be made by the state for the deaf and dumb, the blind, and the insane. In December two exhibitions by deaf, dumb, and blind students brought from Staunton, Virginia, were conducted by Mr. Cooke in the presence of the legislature. In the House of

William D. Cooke

Commons Mr. Scales introduced a resolution that the Committee on Education and the Literary Fund be instructed to inquire into the expediency of applying a portion of the Literary Fund to the education of the deaf and dumb, and the blind. Governor Morehead in a special message of December 31, 1844, estimated the number of deaf and dumb in the state to be 283, the blind 223, and the insane 582, and suggested that $75,000 would cover the cost of buildings and equipment

and recommended that the state's share in the fourth installment of the federal surplus ($478,000) be applied to construction and endowment. The legislature, however, was more conservative than the governor. It passed over the insane, and appropriated $5,000 from the Literary Fund for the instruction of the deaf mutes and the blind, to be supplemented by local county taxes of $75 for each student. In pursuance of the law, the trustees of the Literary Fund contracted with Mr. Cooke for the instruction of the deaf and dumb at Raleigh, the work to begin in May, 1845. The age limits of students were fixed at eight and thirty years, and the rate for each student, including tuition, board, and clothing, was $150 per annum. Instruction of the blind was temporarily omitted on account of the lack of teachers and the few applicants. By 1846 the number of students was thirty-three and the curriculum included domestic and industrial arts. At first the institution was conducted in rented buildings. In 1847 an appropriation of $10,000 was made for permanent quarters, one-half of which came from the current income of the Literary Fund, the other from the unexpended balance of previous appropriations. Two buildings, one dormitory and administrative, the other a school, were erected on government property in Caswell Square at Raleigh. The cost, however, was $15,000, which was $5,000 more than the appropriation. This was also defrayed by using the unexpended annual appropriation.

At the opening of the seventh session in 1851 the instruction of the blind was provided for, and in 1852 the institution was incorporated as the North Carolina Institution for the Education of the Deaf, Dumb, and Blind. The annual appropriation was increased from $5,000 to $8,000, and to $10,000 in 1857. The institution also received a bequest of $6,000 in 1854 from the will of John Kelly.

Hardly was the institution for the deaf and dumb firmly established when scientific care for the insane was also provided. For this much credit is due to Miss Dorothea Dix, America's apostle of humanitarianism. After spending three months visiting North Carolina jails and poor houses, which afforded the only public care of the insane, she prepared a memorial to the legislature of 1848, convincing in argu-

ment and deeply touching in its appeal to sympathy. "I come not to urge personal claims, nor to seek individual benefits," she wrote. "I appear as the advocate of those who cannot plead their own cause; I come as the friend of those who are deserted, oppressed, and desolate. In the Providence of God, I am the voice of the maniac whose piercing cries from the dreary dungeons of your jails penetrate not your halls of legislature. I am the hope of the poor crazed beings who pine in the cells, and stalls, and cages of your poorhouses. I am the revelation of hundreds of wailing, suffering creatures, hidden in your private dwellings, and in pens and cabins—shut out, cut off from all healing influences, from all mind-restoring cures."[7]

The unsanitary conditions, the depressing influences on the insane of association with criminals, and the total lack of medical attention, were pointed out, with many concrete illustrations. In contrast she emphasized the large percentage of recoveries together with the economy in those states that had established asylums, and pointed out that of the original thirteen states all except Delaware and North Carolina had established such institutions. Above all, moral duty to the demented was pressed home. "Talk not of expense—of the cost of supporting and ministering remedies for these afflicted ones. Who shall dare compute in dollars and cents the worth of one mind? Who will weigh gold against the priceless possession of a sound understanding? You turn not away from the beggar at your door, ready to perish. You open your hand, and he is warmed, fed, and clothed; will you refuse to the maniac the solace of a decent shelter, the protection of a fit asylum, the care that shall raise him from the condition of the brute, and the healing remedies that shall reillumine the temple of reason? Who amongst you is so strong that he may not become weak? Whose reason is so sound that madness may not overwhelm in an hour the noblest intellect?"

The outlook for a favorable action was not promising. The democrats, long out of power, had made great gains in the recent elections, securing a majority in the Commons, and the

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[7] Memorial soliciting a state hospital for the insane.

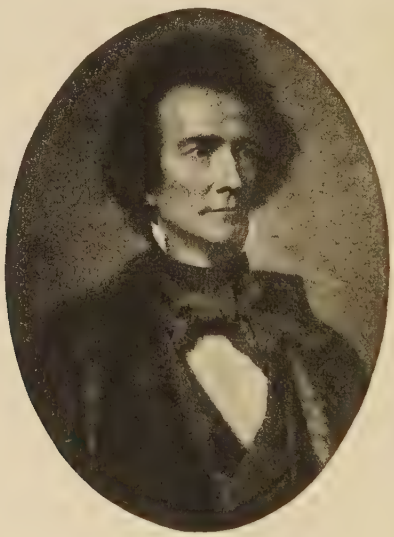
party was hostile to increasing any public expenditures. Moreover, the question of a railroad for the western counties overshadowed all other issues. But the soul of the reformer was undaunted. "They say," she wrote, "nothing can be done here. I reply, 'I know no such word in the vocabulary I adopt.' It is declared that no word will be uttered in opposition to my claims, but that the democrats, having banded as a party to vote for nothing that involves expenses, will unite and silently vote down the bill. A motion was made to order the lighting of the lamps in the portico of the capitol, and voted down by the democrats. 'Ye have darkness because your deeds are evil,' said a whig in great ire: and a voice from the gallery responded piously, 'For ye are of your father, the devil.' "[8]

Her method of procedure was bold and direct. "This morning after breakfast several gentlemen called, all whigs, talked of the hospital, and said the most discouraging things possible. I sent for the leading democrats, went to my room and brought my memorial, written under the exhaustion of ten weeks most fatiguing journeys and labors. 'Gentlemen,' I said, 'here is a document I have prepared for your assembly. I desire you, sir, to present it,' handing it to a democrat popular with his party. 'And you, gentlemen,' I said, turning to the astonished delegation, 'you, I expect, will sustain the motion this gentleman will make to print the same.' "

The democrat to whom the memorial was handed was John W. Ellis of Rowan, the champion of the Charlotte and Danville Railroad bill. The document was duly presented in both houses and referred to a joint committee, which reported a bill appropriating $100,000 for a state hospital for the insane. Such a sum seemed indeed fabulous, when the annual revenue exclusive of the Literary Fund was less than $200,000. Consequently, the section of the bill making the appropriation was struck out on December 19. Two days later Mr. Rayner, a whig, offered an amendment to levy a special tax of 2½ cents on the $100 value of land and 7½ cents on the poll, which was also defeated after an earnest and eloquent appeal by its

[8] Connor, James C. Dobbin (Biog. Hist. of N. C., Vol. VI.).

author. Apparently the cause was lost, but on December 22 a new advocate appeared, James C. Dobbin, democrat, who had been defeated for the speakership by two votes. He introduced an amendment calling for a tax of 1¾ cents on the $100 value of land and 5¼ cents on the poll for four years, and made an even more impressive plea than Mr. Rayner. His interest in the bill was due largely to a personal appeal. His wife, afflicted with an incurable malady, was visited and cheered by Miss Dix. When she expressed to the philanthro-



James C. Dobbin

pist her desire to show her appreciation, Miss Dix replied, "You can do something; ask your husband to speak in favor of the hospital bill." Mrs. Dobbin made the request and soon afterward died. Four days after her death Mr. Dobbin introduced his amendment and made an eloquent address that brought tears to many and swept away all opposition. Thus was the foundation of the asylum assured. Miss Dix wrote:

"Rejoice, rejoice with me. Through toil, anxiety and tribulation my bill has passed. * * * I am not well, though perfectly happy. I leave North Carolina compensated a thousand-fold for all labors by this great success."

In memory of her services, the site on which the institu-

tion was located near Raleigh was named Dix Hill. Toward its support the legislature proved liberal. In 1852 the tax of 1848 was continued for three years. Direct appropriation begun in 1856 amounted to $20,000 per annum, and this was increased to $25,000 in 1858. These appropriations were supplemented by local county taxes for the care of the indigent insane. The first director of the institution, Dr. E. C. Fisher, was from Staunton, Virginia.

The spirit of reform was not confined to the foundation of a school system, internal improvements, and the care of the defective classes. It also pervaded the domain of law, both statutes and court decisions. Many rules of the English common law, inherited from colonial days, were modified or abolished, and new principles of justice were formulated. Illustrative was the matter of imprisonment for debt. According to the common law every debtor was subject to imprisonment at the will of the creditor until the debt was paid. However a colonial statute, whose principle was continued after statehood was attained, allowed the honest debtor without property to be released after twenty days imprisonment if he swore before court "that he hath not the worth of ten dollars in any worldly substance, either in debts owing to him, or otherwise howsoever, over and above his wearing apparel, one bed and its necessary furniture, one wheel and cards, also one loom, working tools and arms for muster, one bible and testament, one hymn book, and all necessary school books," and that he had not since imprisonment disposed of any of his estate. Moreover the honest debtor with property must follow a similar procedure of imprisonment before making a settlement with his creditors. After twenty days imprisonment he filed petition with the court, setting forth the cause of imprisonment and the amount of property held; then, after formal court proceedings, the prisoner was released, his property was sold under execution, and his body was relieved from liability to imprisonment for the debt so adjusted. Thus imprisonment was a part of the legal procedure for settling debts whether the debtor was guilty of fraud or was simply insolvent. A notable instance of the operation of the law was the case of Archibald DeBow Murphey. Unable to meet his obligations he sub-

mitted to the law, enduring imprisonment and settling with his creditors in formal court proceedings. A vivid account of his life in prison has been left by one who knew the facts.

> I heard good old sheriff Doak say that no occurrence of his life, official or otherwise, was so painful to him as the execution of the *ca sa* upon the venerable judge, the meekness and dignity of whose bearing was so impressive, and his resignation to the inevitable so touching. When he was conducted to the prison and surveyed his surroundings, "in such cases made and provided by law" for the inexorable twenty days previous to the humiliating process of "swearing out," he remarked that the room was not, and he supposed, considering the purpose, could not be, sufficiently lighted and ventilated. He, therefore, requested the sheriff to leave the door open! And the sheriff went off and left the door open! There are few instances, I suppose, where men have been *shut up* in jail with an *open door;* but no suspicion entered the sheriff's head that any advantage would be taken of the fact in this case.
>
> Within a day or two a visit was made by Judge Cameron to the prisoner in his new quarters—a visit of friendship and also on business connected with his case. Coming away from the interview he met the sheriff, and remarked that it had occurred to him that he, the sheriff, might be running a risk by leaving the jail door unlocked. "A risk!" exclaimed the officer; "I would risk life and sacred honor with Judge Murphey. You don't think he would go away?" "I do not mean that," replied Judge Cameron; "I mean that it might be considered in law an escape, and you might yourself become involved to your hurt. But," said he further, "Murphey knows the law; let us go back and consult him."
>
> They went back to the jail and held a consultation, at the close of which Judge Murphey said, with a sad smile, "Mr. Sheriff, my friend, it will be safest for you to lock the door upon me."
>
> The visitor and the sheriff retired; the key was turned in the door; and if there were two big tears seen to roll down the cheeks of the latter they did honor to the heart of old Jimmy Doak.
>
> At the end of twenty days the prisoner took the oath that he was "not worth forty shillings in any earthly substance," and was turned loose upon a country to which he had rendered his best services, whose high places his occupancy had adorned, and whose interests were cherished as his own.[9]

Against the severity of the debtor law there was a well defined reaction. In 1820 imprisonment for debt was abolished but the statute was repealed the following year; then in 1823 it was enacted that imprisonment for debts contracted prior

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[9] Lyndon Swaim, quoted from Hoyt, Murphey Papers, II, 431.

to that date might be avoided until the meeting of court by the debtor giving bond for appearance, as a pledge to surrender his property or to make oath as to his insolvency. In 1844 further protection was given by prohibiting imprisonment except when the creditors made oath that the debtor had property which could not be reached by a *facias faciendum.* In 1848 debtors were still further protected by exempting from execution personal property to the value of fifty dollars.

The tendency to ameliorate the law was also reflected in the legislation regarding the position of woman. The right of the husband over the person of his wife to the extent of imprisonment or other correction was not restricted at the common law. Indeed the penalty of death at the stake for slaying her husband who was exercising his right of correction was imposed on a woman of Iredell County in 1787. Six years later, in 1793, the penalty was abolished by statute. In 1823 women were also exempted from imprisonment for debt and the Code Commission of 1855 relieved them from the penalty of branding or corporal punishment, substituting therefor imprisonment. Their property rights were also enlarged. In 1844 woman's right to act as executor without bond given by her husband was recognized, and in 1848 the husband was denied the right to dispose of the wife's real estate without her consent. The right of the divorced wife to property and money acquired after divorce was also granted in 1819 and women were likewise admitted to benefit of clergy until that custom was abolished by the Code Commission of 1855.

The spirit of humanity and reform also pervaded the decisions of the Supreme Court. Illustrative were the opinions concerning the negro written by Associate Justice Gaston. In the case of *State vs. Will,* decided in 1835, the right of the slave to resist inhumanity on the part of the master, his agent, or temporary owner was distinctly recognized.

> In the absence then of all precedents directly in point, or strikingly analogous, the question recurs, if the passion of the slave be excited unto unlawful violence by the inhumanity of the master, or temporary owner, or one clothed with the master's authority, is it a conclusion of law that such passion must spring from diabolical malice? Unless I see my way clear as a sunbeam, I cannot believe that this is the law of a civilized people and of a Christian land.

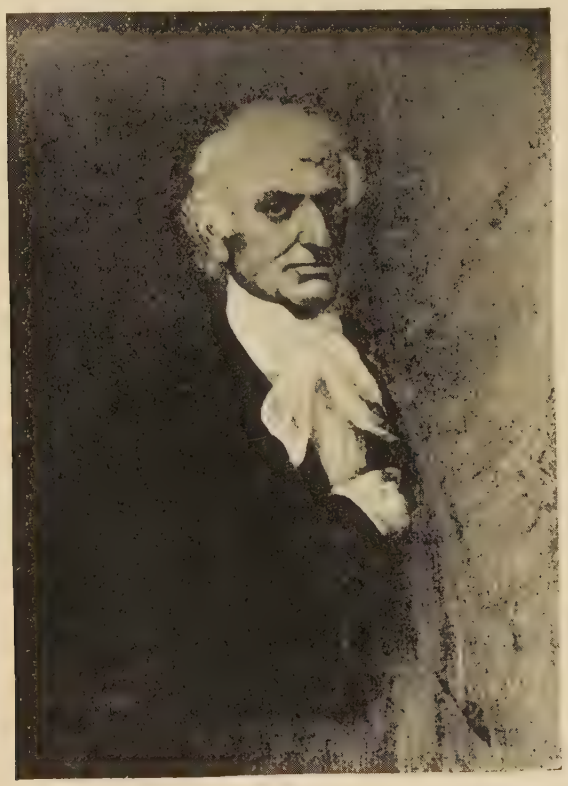
* * * If the Legislature should ever prescribe such a law, a supposition which can scarcely be made without disrespect, it will be for those who then sit in judgment to administer it. But the appeal here is to the common law, which declares passion, not transcending all reasonable limits, to be distinct from malice. The prisoner is a human being, degraded indeed by slavery, but yet having "organs, dimensions, senses, affections, passions, like our own." * * * Express malice is not found by the jury. From the facts, I am satisfied as a man that in truth malice did not in fact exist, and I can see no law which compels me, as a judge, to infer malice contrary to the truth.

Thus a tenderness and a more humane attitude were introduced into the judicial decisions relating to the slave. A more liberal attitude was also manifested toward the free negro in the case of *State vs. Manuel,* the opinion, rendered in 1838, also being handed down by Gaston. The legislature of 1831 had declared that a free negro, convicted and fined, if he were unable to pay the fine, should be hired out to "any person who will pay the fine for his services for the shortest time possible." On the other hand the state constitution prohibited imprisonment of the debtor after ascertained insolvency and the legislature of 1836 allowed any person duly convicted and imprisoned for costs and fine to take advantage of the insolvent debtor law. In defense of the statute of 1831 the attorney general contended that free negroes were not citizens and therefore did not enjoy the guarantees of the constitution or the benefits of the remedial statute. Gaston's decision set aside this contention and allowed the free negro the benefit of the insolvent debtor law by showing that he was a citizen.

Upon the Revolution no other change took place in the law of North Carolina than was consequent upon the transition from a colony dependent on a European King to a free and sovereign state. Slaves remained slaves. British subjects in North Carolina became North Carolina freemen. Foreigners, until made members of the state, continued aliens. Slaves manumitted became freemen, and therefore, if born within North Carolina, are citizens of North Carolina, and all free persons born within the state are born citizens of the state.

Undoubtedly it was in the domain of civil law that the North Carolina court achieved its greatest distinction. Preeminent were the decisions of Justice Ruffin, associate justice from 1829 to 1833, chief justice from the latter date to 1852, and again associate justice in 1858 and 1859. Three notable

departures from English common law doctrine were made under his leadership. First, in the construction of the Statute of Frauds the court rejected the English doctrine of part performance and held that specific performance of an oral contract to convey land would not be decreed. The second departure was discarding the doctrine that a vendor who had



JUSTICE THOMAS RUFFIN

security for payment, so rejecting "the vendor's lien." Third, sold land and parted with the title had a lien on the land for was the repudiation of the English doctrine of a married woman's equitable right to settlement for maintenance before the husband invoked the power of the courts to reduce her estate to possession. Other decisions no less notable were in defense of the right of eminent domain, the denial of the right of the legislature to divest one of property, including even a

public office, that recovery for fraud extended to games of chance, and that corporate franchises cannot be sold under execution. By these and other decisions not only did the Supreme Court refine the law and make justice more equitable; it also won distinction and leadership in American jurisprudence.

CHAPTER XIV

THE WHIG REGIME; POLITICS, STATE AND FEDERAL, 1836-1847

Having traced the origins of the whig and democratic parties and the domestic progress under whig leadership, it now remains to review the course of party politics, federal and state, during the same period.

Although the Convention of 1835, by relieving the stress of local sectionalism, made possible the development of state issues, national policies continued to be the center of interest for over a decade. Wrote an anonymous correspondent: "There is no subject connected with the operation of the General Government which does not enlist the zeal of our public and command the attention of those who have leisure to discuss it; whilst the more immediate concerns of the people of North Carolina are widely disregarded, or else noticed in a manner that is even stronger proof of indifference than absolute silence."[1] Yet this unbalanced political interest was not without some benefit. The national issues of the 'thirties and 'forties were vital, involving the disposition of the public domain, the establishment of a fiscal system, the acquisition of new territory, and the extension of slavery. On such questions as these attention was riveted, party division being very close. A new type of leadership appeared, in ability and vision of the country's needs comparable only to that of federalism before 1800. Popular understanding of national issues, if judged by local meetings and addresses to the people, was not only more extensive but more intelligent than has been known before or since.

In the presidential election of 1836 Van Buren carried the state by a majority of over 9,000. Apparently the tide had

[1] "Mentor," *North Carolina Standard*, Dec. 6, 1837.

turned against the whigs. But conditions during his administration were such as to give that party a renewal of strength. In 1837 a financial panic struck the country, forcing the banks of North Carolina to suspend specie payment, and a second wave of depression began in 1839. Van Buren's remedy for the demoralization was the sub-treasury instead of deposits in state banks, the policy of Jackson, or the establishment of a central federal bank, advocated by the whigs. To secure the support of the western states he was willing to grant more liberal terms in the purchase and preemption of public lands. However, bills providing for a sub-treasury and also new terms of land sales were defeated in the spring of 1837.

The policy of the administration came before the people of North Carolina in the congressional election of 1837. The whigs emphasized the land issue, holding that any disposal of the public domain except the distribution of the proceeds of the sales among the states to be unjust. Typical was the opinion of James Graham, candidate in the twelfth district:

> During the last year (1836) the sales amounted to the enormous sum of upward twenty million dollars, more than one-half of all the revenue of the United States. * * * Is there a man who has a North Carolina head on his shoulders, or a native North Carolinian's heart in his bosom, who can betray his mother earth, and see her people robbed and plundered annually of her just and equitable share of twenty-four millions of dollars? Shall our venerable parents be stripped of their own property to soothe and to satisfy the murmuring and avaricious wants of their spoiled children? Shall the people of the old states be continually taxed to provide comfortable and sumptuous living for the settler and speculator of the new states? Why did you tax yourselves last fall with the labor of plowing and sowing your grain? Because you expected then and hoped now, in due season, to reap a rich harvest. I verily believe you are as much entitled to your share of the money arising from the sale of the public lands, as you are entitled to the crop now growing which you sowed last autumn.[2]

On the other hand the democrats, realizing the interest of the state in distribution, laid much stress on the financial issue, advocating control of the nation's money by the people through the sub-treasury rather than the banks, the creatures

[2] *Raleigh Register*, May 2, 1837, Cf. Address of A. Rencher, April 11, and of Lewis Williams, March 28.

of the money power. Sound reasoning was frequently displaced by an appeal to class prejudice. "No sooner does one of our neighbors turn a bank whig," says an address to the people of Wake County, "than his whole nature becomes transformed—the courtesies and charities of life are frequently sacrificed in blind idolatry to the bank and he deals out curses and insults to the friends of the administration as if he supposed the time had already arrived when none but the followers of the banks had liberty left." [3]

The election resulted in a whig victory, the party carrying eight of the thirteen congressional districts. The following year the popularity of the legislative policy of 1836 toward internal improvements brought a decisive supremacy in the state elections, Dudley being re-elected governor by more than fourteen thousand majority and both houses of the assembly having safe whig majorities. Thus entrenched, party retaliation was taken for the instruction of Senator Mangum in 1834. Legislative resolutions were adopted, addressed to the democratic senators, Brown and Strange, which condemned the expunging resolutions and urged that they be rescinded, denounced the proposed sub-treasury, and declared the distribution of the proceeds of land sales among the states to be the proper use of the public domain. However, the whigs were careful not to use the terms *instruct* or *instruction,* these being a democratic weapon which they had resented and criticized in 1834. The pertinent resolution simply read: "Resolved, That our senators in Congress will represent the wishes of a large majority of the people of this state by voting to carry the foregoing resolutions." [4]

The attitude of Senators Brown and Strange was interesting. They pointed out the absence of the term instruct and held that instruction was the traditional method of bending the will of senators to that of the legislature; that there was no evidence that the will of the people, formerly expressed in favor of expunging in 1832, had changed, or else an instruction would have been offered; finally, they asked the legislature whether an instruction was intended, but received an

[3] *North Carolina Standard,* Aug. 9, 1837.
[4] Laws of N. C., 1838, p. 81.

impertinent and indefinite reply. Thereupon they refused to resign until public opinion could be tested at the next meeting of the legislature.[5] Apparently popular sentiment favored the senators, for in 1839 the democrats carried seven of the thirteen congressional districts and in one of these, the fourth, Charles Shepard was re-elected although he had left the whig party.

This threat at the local whig supremacy, as well as its national significance, gave the election of 1840 unusual interest. In fact the campaign of that year marks a distinct epoch in party methods and tactics. The nominating convention for the selection of state candidates and the formulation of issues was introduced. The whigs were the first in the field. In August 1839, a call was issued by a committee appointed by a caucus of the preceding legislature for a convention which met on November 12th at Raleigh, ten months before the state, and twelve before the federal, elections. It was attended by delegates from twenty western and fourteen eastern counties. John M. Morehead was nominated for governor, preference was expressed for Clay and Tallmadge as candidates for president and vice-president, and two delegates at large were chosen for the national convention of the party. The statement of principles was left to a central committee and its report, written and issued after the convention adjourned, endorsed a federal bank, distribution of the proceeds of land sales among the states, public education, and a strict interpretation of the Constitution; it also strongly condemned the spoils system, the sub-treasury, the protective tariff and federal interference with slavery.[6] The democrats likewise resorted to a convention, which met on January 8, 1840 and had a larger representation from the eastern than from the western counties. Romulus M. Saunders was nominated for governor, Van Buren was approved for the presidency, and resolutions were adopted denouncing the bank and endorsing the sub-treasury. A few days after the convention adjourned the *North Carolina Standard* came out for Polk for the vice-presidency.

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[5] Cong. Globe, 25th Cong., 3rd Sess., VII, 116.

[6] Hamilton, Party Politics in North Carolina, p. 56.

The ensuing campaign was undoubtedly the most exciting of any since that of 1824. Saunders was an experienced politician, having served three terms in Congress, five years as attorney-general of the state, and the same number on the Superior Court Bench. Morehead was just entering the prime of life, an heir of Murphey's ideals for economic and social progress, identified also with the nascent interest in manufactures. The candidates toured the state from March to August, engaging in many joint discussions. Public meetings, parades, and festivities abounded, in which the whigs had a shade the advantage. Not only did their local leaders show better skill in organization, but the emblems of their national campaign, the log cabin and hard cider, made a distinct appeal to the masses. Illustrative were resolutions of the Tippecanoe Club of Raleigh:

"Resolved, That the late attempts of some of the Van Buren delegates to throw contempt upon the humble walks of life, by sneering at William Henry Harrison as the log cabin and hard cider candidate, deserve the condemnation of the people;

"Resolved, That we view with contempt and indignation the efforts which some of the demagogues of the administration are making to induce the people of this and adjoining counties to believe, that the cabin in which we are now assembled was erected in disrespect of the poor, and we do now pronounce such a charge to be wholly false;

"Resolved, That as poor men assisted to build this cabin—as they are not ashamed to claim it as typical of the principles of the poor men who go for the good of the whole people—as it is intended to be an expression of contempt for the sneers of the office holders thrown upon the homes of the poor, we will defend it to the utmost of our ability, and we call upon our fellow citizens everywhere to come to the rescue of the rights of the poor men whose wages and property are to be brought down under the administration to the stand of European despotism."[7]

When the national democratic convention failed to nom-

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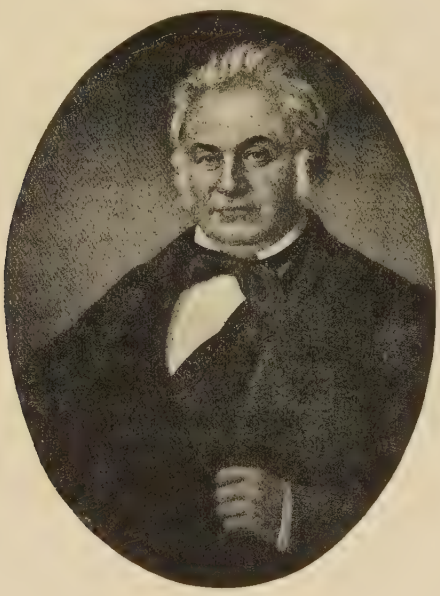
[7] *Raleigh Register,* July 28, 1840.

inate a candidate for the vice-presidency, a second state convention met in Raleigh on July 9th and nominated Richard M. Johnston. The whigs, not to be outdone, held a second convention in October, characterized by the martial organization of delegates, a powerful speech in defense of Harrison by George E. Badger, and the publication of Gaston's "Carolina," which soon became the song of state patriotism. Throughout the campaign the personal records of the candidates, as well as extraneous issues which appealed to the prejudices of the people, were unduly emphasized. The question of abolition was introduced. Morehead was taken to task for favoring a limited negro suffrage in the convention of 1835 and was charged with submitting an anti-slavery memorial in the legislature of 1838, which had been actually introduced by his brother, James Morehead. Harrison, the whig presidential nominee, was also charged with signing a law, when governor of Indiana Territory, which made possible the sale of white men to negro masters. In retaliation the whigs dug up anti-slavery memorials submitted to Congress by Saunders in 1824 on behalf of his Quaker constituents, and pointed out that the Indiana law explicitly prohibited an Indian, negro or mulatto from purchasing a servant except one of his own color, and that Van Buren had refused to reopen the case of a naval officer convicted by negro testimony. Notable also was the habit of the gubernatorial candidates to pitch their language to the standard of the country-side. Tradition relates that Saunders once challenged Morehead thus: "Whar, sir, does the gentleman git his authority for that thar statement? I ask him whar?" Morehead replied by lifting up two books and saying: "In them thar dokiments, sir. That's whar." The appeal to prejudice reached its climax when Charles Manly, in debate with Saunders, made three vital charges against Van Buren,—riding in a splendid carriage, sending to the post office for his mail instead of walking for it, and wearing silk stockings.[8] Local conditions favored the whigs, for in the spring of 1840 the Wilmington and Weldon Railroad was completed and in June the Raleigh

[8] Hamilton, Party Politics in North Carolina, 1835-1860 (James Sprunt Hist. Publication), pp. 61-63.

and Gaston; both of these, constructed with state aid, seemed to vindicate whig policies, and meetings in celebration of their construction were held in Raleigh and Wilmington, in which whig influences predominated. Perhaps realizing that the tide was turning in favor of the whigs, Brown and Strange on June 30th sent their resignations to Governor Dudley, so injecting the issue of instruction into the campaign. The state elections, which came in August, gave a large whig vic-



JOHN M. MOREHEAD

tory, Morehead carrying forty-one of the sixty-six counties with a majority of more than 8,000, and in November Harrison and Tyler carried the state by a majority of 13,141.

The whigs proceeded to consolidate their power. Partisan use of the state patronage, begun in 1836, was continued. Two democratic solicitors were replaced by whigs, a whig attorney general, Hugh McQuean, was elected, and also two circuit judges;—thus the entire judicial machinery of the state was whig. The unexpired terms of Strange and Brown were filled by Mangum and William A. Graham, the former being also elected to serve a full term. Nor were the national

councillors of the party unmindful of the redemption of the state from Jackson-Van Buren influence. George E. Badger was appointed Secretary of the Navy and when Mr. Southard of New Jersey resigned from the Senate in 1842, Mangum was chosen president pro tem of that body in his stead. Graham also was elected chairman of the Senate Committee on Claims, a distinct honor for a first term and for a man of thirty-eight years. When Mangum became presiding officer of the Senate, Graham also took his place on the finance committee. In 1841 the whigs carried eight of the thirteen congressional districts.

However there were clouds in the political sky. The eastern whigs were disgruntled because the two senators should be from the west, in fact from the same county, Orange. Far and wide there was discontent over the election of Graham, one of the younger party leaders, as yet comparatively unknown. Mangum also had been on both sides of nearly every national issue. The fact is, there were two well defined wings of the party; the federal whigs, allies of Henry Clay, led by Gaston, Badger, Lewis Williams and Graham—and republican whigs, led by Mangum, William B. Shepard, John Owen and Governor Dudley, who were openly opportunists regarding Clay's American System. In the senatorial election the issue of the national bank was a cause of division. The legislature, however, adopted a resolution declaring that a national bank was constitutional and favoring the organization of such an institution. But whig security was short lived. In Congress Clay's program met the determined opposition of Tyler. Two bills chartering the Fiscal Bank of the United States, which received the undivided support of the whig delegation from North Carolina, were vetoed in the summer of 1841. Thereupon Badger, like all the cabinet officers except Webster, resigned on the ground that the President had placed him in a false position by approving the second bill and so leading him to solicit influence for it.[9] Tyler's action was taken up in a whig caucus in which resolutions censuring his course, introduced by Mangum, were adopted.

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[9] *Raleigh Star,* Sept. 29, 1841.

In the matter of national revenue there was also a party division. The compromise tariff of 1833, which provided for an automatic reduction of duties, had by 1841 reduced revenue below expenditures. Hence a loan was authorized, the beginning of the modern bonded debt of the United States, and also a distribution law, providing that the proceeds of land sales should not be distributed whenever the needs of the treasury required an increase of the tariff above twenty per-cent. The tariff met with the approval of Mangum and Graham and of five of the whig congressmen. However, when a permanent tariff was enacted in 1842 the vote of the North Carolina senators and congressmen was reversed, not so much from a change in principle but because Tyler forced the exclusion of distribution from the tariff act. In fact Graham certainly would, and Mangum might have, voted for the measure if their votes had been necessary for its passage. Behind the policy of the whigs was a new sentiment favorable to protection, due to a nascent industrialism in the state and also a feeling that foreign cotton might invade the American market. Governor Morehead in his address to the legislature of 1842 voiced the protectionist sentiment as follows:

> All agree that duties may be imposed to raise Revenue, but some contend that they can be imposed for no other object. If this latter doctrine be true, then are we shorn of some of the most important prerogatives of a sovereign people—then may we be subjected to the most abject commercial slavery. If it be admitted that Europe can pour into our country the excessive productions of her pauper labor, whenever she chooses, and can exclude our productions from her markets, or tax them so high as to be ruinous to us, and that we have no power to protect ourselves against the influx of the one, or, to counteract the oppressive exclusions, or, heavy exactions of the other —then, indeed, we are in a helpless condition.
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> That the General Government has power to impose duties for the protection of American industry, against European industry, and to counteract foreign legislation hostile to our interests, I think cannot admit of a doubt. When the states became independent, they had the power unquestionably. All their powers to impose duties they transferred to the General Government by the adoption of the Constitution. Then they ceased to have the power and if the General Government has it not, then the power is extinct. Is there an American willing to admit this?

While these matters engaged Congress, the state elections of 1842 occurred. Local as well as national issues were involved. The trustees of the Literary Fund had gone to the aid of the Raleigh and Gaston Railway when the road was unable to pay interest on its bonds, and this action it was believed was really in the interest of the banks, which held the bonds. The proscriptive policy of Morehead's administration was held up in contrast to the liberal attitude toward democrats by Dudley. The democratic state convention, which held one session in Raleigh in January, 1842, and another in Salisbury on May 20, condemned the recent measures of Congress, charged gross extravagance, notably the funeral expenses for President Harrison, denounced the state banks for not resuming specie payments and for declaring dividends when suspension was in force, and nominated Louis D. Henry of Cumberland County for governor. The whig convention, which met in April, renominated Morehead for governor, repudiated Tyler, and declared Henry Clay the choice of the party for the presidential nomination in 1844. The campaign was somewhat similar to that of 1840, lacking, however, the stress of the presidential issue and the intensive organization of the whigs so evident in that campaign. Henry and Morehead began a series of joint debates which made a great impression, for both were skilled in the kind of oratory and the type of argument which appealed to the masses. Notable was their opening debate in Cumberland County. The policy of the state banks being one of the subjects under discussion, Mr. Henry charged Governor Morehead with being largely interested in the banks and being heavily indebted to them. These points he drove home with bitter invective, denunciation, and eloquence. When Morehead rose to reply, his friends thought that all was lost, for the Governor "reviewed the history of the banks; spoke, at length, of the independence of one who was so fortunate as to be largely interested in them; depicted the horrible and woeful condition of one so vastly indebted to them as he was represented to be by his competitors; as he advanced and culminated in drawing this dreadful picture, his friends, believing that his condition, were more deeply depressed and looked like they desired to slink away to

hiding places—but when he reached the climax of his friends' despair and his enemies' joy, seeming to rise higher than was his wont, pausing—it was an awful pause—and casting his eyes around upon his whole audience, he proudly—as none but he could—and defiantly explained: 'I have not a single dollar's interest in the Banks—I owe them not one copper cent!' What a change in the crowd! His friends looked as joyously as a mother to whom a babe has been restored unharmed. * * * He then carried everything before him. Henry and his friends never rallied, nor did he over that discussion during the campaign."[10]

On account of poor health Henry dropped out of the campaign in May but the *North Carolina Standard* filled its columns with pertinent arguments in a style more virile than had been known. Morehead was re-elected, but the democrats carried the legislature.

Factionalism at once appeared among the ranks of the democrats. The cause was the choice of a senator to succeed the unexpired term which Graham had filled since 1841. Bedford Brown, desiring vindication on account of his resignation in 1840, was the stronger candidate, but Saunders desired reward for his race against Morehead. The personal rivalry was complicated by the question of national leadership. Brown favored Van Buren for the presidential nomination in 1844 and letters in his interest were sent to the state by Jackson, Silas Wright, and Thomas H. Benton, while Saunders leaned toward Calhoun. A legislative caucus was held in which Brown led on four ballots, but Saunders would not admit defeat. The rivalry was then carried into the formal election. The whigs, by voting for Graham, caused a deadlock, but finally on the ninth ballot the names of Brown and Saunders were withdrawn and William H. Haywood, a democrat whose course was always marked by a degree of independence, was elected. To humble Mangum a series of resolutions were adopted which asserted the right of instructing senators and the duty of senators to be guided thereby, denounced the tariff of 1842 as "unwise in policy, dangerous to public

[10] W. L. Scott, In Memoriam, Hon. John M. Morehead, p. 54.

liberty, and a perversion of that constitutional government which was framed and adopted for the protection and security of all," demanded the repeal of the new federal bankruptcy law, and also the refunding of a fine imposed on Andrew Jackson by Judge Hall during the war of 1812.[11] The census of 1840 having made a new apportionment necessary, new congressional and electoral districts were erected. Concerning these the whigs charged a gerrymander. In the congressional election of 1843 the democrats carried five of the nine districts.

For economic and social progress, the legislature did nothing, although Governor Morehead made a number of recommendations. Instead it indulged very freely in criticism of whig policies. The committee on internal improvements condemned state aid as it existed, but the trustees of the Literary Fund were allowed to invest $50,000 in redeeming the bonds of the Wilmington and Raleigh Railroad. An investigation of the loans made by the Literary Fund disclosed the fact that of $108,955 loaned, $97,469 were in the hands of forty-seven whig borrowers, the total number of borrowers being fifty-five. The banks came in for vigorous criticism. In May, 1837, they had been forced to a suspension of specie payments by similar action of institutions in other states. They resumed payment in August, 1838, but again suspended specie payment in October, 1839, and finally resumed payment in 1842. During this period of suspension loans were contracted and exchange was at a premium. In the legislature of 1840 Hoke, a democrat, started an investigation and a bill prohibiting banks to collect debts when specie was refused was barely defeated. However, after resumption the banks contracted their note issues, so continuing the resentment of the debtor class. Moreover, among the twenty-one directors of the Bank of the State and the Bank of the Cape Fear, in which the state held stock, only one was a democrat. What an excellent chance for a partisan attack! Hence one of the democratic slogans on the hustings in the summer of 1842 was, "Down with the banks, up with the people." Naturally the democratic legislature was flooded with a series of bank bills. The trend of these was to

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[11] Laws of North Carolina, 1842-3, p. 113.

threaten any future suspension with a forfeiture of charter, fine, or tax on bank notes, to limit exchange rates, and to prohibit any bank from accepting in payment of debts any notes except its own. Most important was a relief bill authorizing the issue of $1,000,000 in treasury notes, to be loaned to the people on land mortgages at six percent. These measures were generally opposed by the whig members, who pointed out the unconstitutionality of treasury notes and the possible violation of the bank charters. Most decisive was the threat of the Bank of the State to go into liquidation in case the relief bill was adopted.[12] In the end wiser counsels prevailed and no action was taken. The discussion however showed definitely that the whig party was lined up with the established financial system and that the democrats pandered to the proletariat.

On the whole the legislature accomplished nothing for the improvement of the state save the incorporation of ten academies and two manufacturing companies. However the democrats carried the congressional elections of 1843, electing five of the nine congressmen. A celebrated incident of the campaign was the visit of Stanly, whig, to Nash County, a democratic stronghold. He had been informed that he would not be allowed to speak. When he arose to address his audience he said, "I realize that I am facing the unterrified democracy of Nash County, but I want you to know and to bear witness that I face you unterrified." Here is the origin of the political phrase, "unterrified democracy." A great democratic gain occurred in 1843 when William W. Holden assumed the editorship of the *North Carolina Standard.* Born in poverty, he became a printer's devil in the office of Dennis Heartt at Hillsboro. Later he removed to Raleigh and was employed in the office of the *Star,* a whig paper. Through the influence of James B. Shepard he now took charge of the *Standard* and as editor manifested a power of satire and ridicule, and made such an appeal to the masses that he won the bitter hatred of his former party associates. His defection was denounced as the action of a "little renegade deserter, who is so late from the ranks of Whiggery, that the very Turpentine of their Log

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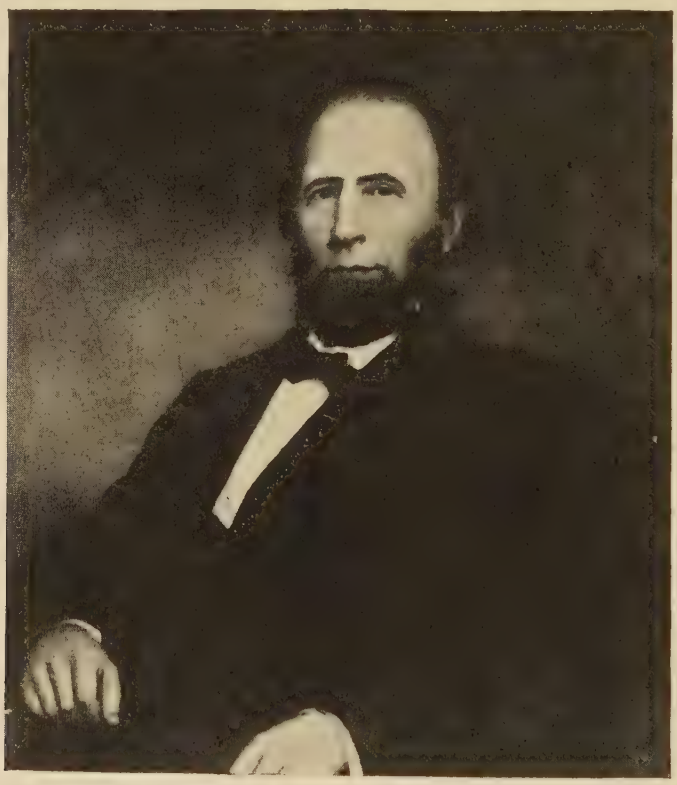
[12] Address of Whig Members, *Raleigh Register,* May 16, 19, 1843.

Cabins which he got on him when creeping like an Old Coon through the logs of which they were built, is still sticking to his fur.'' [13]

The campaign of 1844, a year for presidential as well as state elections, now became the center of interest. In their state convention, which met in December 1843, the whigs again



William W. Holden

committed themselves to Clay for the presidential nomination, declared that a national bank should be established, endorsed distribution, and favored a tariff which in addition to raising revenue would counteract the restrictions imposed on the trade of the United States by foreign nations and "incidentally afford just protection to American industry." William A.

[13] *Raleigh Register,* July 4, 1843.

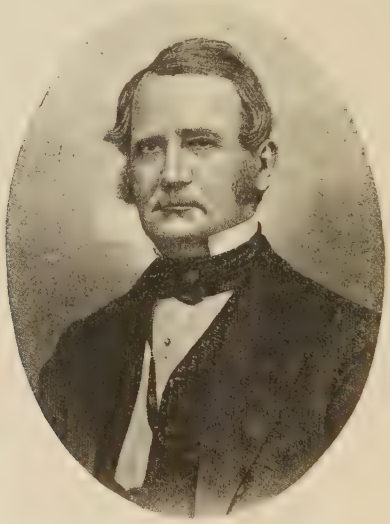
Graham was nominated for governor. The democratic convention met a week later. Again the western counties were slightly represented, only nine sending delegates. The platform condemned a national bank, approved state banks on specie capital regulated by the legislature, endorsed a tariff for revenue only and also the veto power of the president, and favored the return of Jackson's fine. Michael Hoke, like Graham a native of Lincoln County, was nominated for governor.

The most notable event of the campaign was Henry Clay's visit to the state in April, 1844. Arriving at Wilmington on April 11, his tour partook of a nonpartisan gala occasion, Clay himself asserting, "I come not as a political gladiator, but as an American citizen. I take the hand of one party as cordially as I do another, for we all are American citizens. I place country far above all parties." The feature of his visit was his entertainment at Raleigh, which lasted a week. The city was thronged with visitors as never before, among the prominent guests being William G. Brownlow of Tennessee and B. W. Leigh of Virginia. Though the occasion was avowedly nonpartisan, Clay's address at Raleigh was an exposition of whig principles, a plea for tariff for revenue with incidental protection, sound money through a bank of the United States, and distribution. Toward the end of his visit he penned his famous letter of April 17 against the immediate annexation of Texas, declaring such action without the consent of Mexico would be a measure "compromising the character of the nation, involving us certainly in a war with Mexico and probably with foreign powers, dangerous to the integrity of the Union, inexpedient in the present financial condition of the country and not called for by any general expression of public opinion." The effect of the letter on Clay's political fortunes is well known. Evidently his policy was influenced by sentiment in North Carolina; neither political party had made any official pronouncement on the Texas question but Badger, Stanly and Morehead concurred in the view taken in the letter.[14] However the *North Carolina Standard* under Hol-

[14] Clay to Crittenden, April 17, 1844 (Crittenden MSS.).

den's editorship, a week before Clay's visit, had come out for annexation, so foreshadowing the action of the national democratic convention.[15]

In the whig national convention the North Carolina delegates naturally supported Clay, who was nominated. But the democrats were at sea. A majority of the North Carolina delegation was opposed to Van Buren, and Romulus M. Saunders moved the adoption of the two-thirds rule which assured the rejection of Van Buren. The preference of Holden and



William A. Graham

Saunders was for Calhoun, but they were in a hopeless minority. The official ballots showed the delegation divided, principally between Cass and Johnston, until the eleventh ballot, when the entire delegation went for Polk.

The contest for state officers centered around the debates between Graham and Hoke; the former was "more learned, more experienced, calmer, more dignified and more impressive," the latter "more nimble, quicker, brighter, and more entertaining."[16] Hoke defended and Graham opposed, the annexation of Texas. The democrats sought to arouse the

[15] April 3, 1844.

[16] Nash, Wm. A Graham, p. 541 (Bulletin 7, N. C. Hist. Comm.).

interest of the common man in the question by pointing out the opportunity for the renter to buy property upon the removal of the slave holders to the southwest. On the other hand the whig central committee issued a confidential circular urging a full vote since a "powerful and united effort is being made to carry this state for Texas and Disunion."[17] Journalistic activity was also a feature of the campaign. In June Loring, editor of the *Star,* deserted the democrats and established a campaign sheet, *The Independent,* in the interest of Clay. The editorials of the *Standard* displayed a sting of sarcasm and ridicule. An example was the following:

" 'Gaps in chickens may be easily cured by giving them small crumbs of bread impregnated with a little soft soap; once or twice is sufficient.'—*Raleigh Star.*

"And gaps in coons may be easily cured by giving them small doses of Polk juice in little soft pieces of Clay. This physic will cure them by killing them out-right; once will do."

But the climax was reached when the following burlesque on the leading whigs appeared, the most piquant attack of the campaign:

"For Salt River. The substantial packet schooner 'Scavenger' will sail by order of the people of the United States for the head waters of Salt River during the month of November. She carries out as a passenger the Honorable Henry Clay who, after having sought office at the hands of the said people for more than twenty years, has at length received the appointment of Collector of Customs at the head waters of said river, at which point it is expected he will prove in his official capacity, that high tariffs make cheap goods. He will carry out a strong corps of surveyors, tide waiters, bum bailiffs, etc.; and as the country is new and unsettled, it is thought that these officers will find constant employment. The following appointments have already been made: *Surveyors,* Millard Fillmore, of New York, and General Markle, of Pennsylvania; Berrien, of Georgia, and Morehead, of North Carolina. *Tide waiters,* Stanly, Cherry, and Palmer of North Carolina, and Pleasants, of Virginia. *Bumb Boat Women,* Messrs. Mangum

[17] *Standard,* July 15, 1846.

and Badger, of North Carolina. These last appointments are considered peculiarly appropriate. Mr. Mangum, it is thought, will sing three times a day a song of thankfulness for having been delivered from Mr. Edwards, of Virginia, while Mr. B. will serve as a beacon by standing at the mouth of Old Salt every night with a mammoth cigar in his mouth. The collector, it is presumed, will permit him to while away the long hours by untiring threats of 'Revolution' to intimidate the bats and owls."[18]

Stung by such reflections, the *Fayetteville Observer* issued a number of denunciations of the *Standard's* policies. The results of the election were a whig victory, Graham defeating Hoke by 3,151 and Clay winning over Polk by 3,390, the latter vote being remarkable as Kentucky and Tennessee were the only other Southern states giving Clay a majority. The democrats however were elated over the victory of Polk, seeing in it a triumph of policies temporarily rejected by the state. But the new administration did not have smooth sailing. Not only were the whigs bitter in their opposition but disaffection appeared among the democratic leaders.

First of all the foreign policy provoked criticism. The election being taken as the nation's approval of the annexation of Texas, the matter was taken up in the Senate in the last months of Tyler's administration. Involved with it was the perplexing problem of slavery extension. For this Senator Haywood offered a solution in a bill annexing Texas, with the consent of the Republic of Texas, as a territory, and setting aside its land north of latitude 34° as a part of the Territory of Nebraska, in which slavery would be prohibited.[19] The bill making no progress, the author threw his support to the Benton bills, one of which embodied the joint resolution by which Texas finally became a part of the Union. To the last the North Carolina whigs were opposed to annexation. In the legislature of 1844 they introduced in the House of Commons a resolution approving annexation if it could be accomplished without compromising the rights, interests, and honor of the Union, but it was defeated. Senator Mangum and the entire

[18] *Standard*, Oct. 30, 1844.

[19] Cong. Globe, 28 Cong., 2d Sess., Appendix, p. 154.

whig delegation in Congress from the state voted against the resolution of annexation.

More delicate was the Oregon question. The democratic platform having demanded reoccupation, Polk asked Congress to terminate joint occupation with England, after an offer of the line of 49° as a boundary between the two nations had been rejected. At once the expansionists replied with the slogan, "54° 40′ or fight." The President, however, with his eye on Mexico was not unwilling to compromise, and let the facts be known. The first inkling to the public that such a policy would satisfy the administration was a speech by Senator Haywood on March 4 and 5, 1846. In it he declared that the honor of the nation was committed to compromise before Polk's election, that reoccupation could only mean the territory south of 49°, for north of it there were no American settlers, and that his own state was opposed to radical expansion and he must follow its wishes rather than the democratic convention of 1844, which had no right to bind the party. At these views the Northern democrats were incensed. Hannegan of Indiana remarked that if Senator Haywood correctly represented Polk, then "James K. Polk has spoken words of falsehood and with the tongue of a serpent." Senator Allen charged that Haywood, having attained the confidence of the administration, was attempting to drive him from the chairmanship of the Committee on Foreign Affairs. Polk, on being questioned, evaded all responsibility by denying that Haywood was authorized to speak for him. But the speech was evidently inspired, since the line 49° was finally adopted as a compromise.

The democratic financial policy included the sub-treasury and the reduction of the tariff. The former was provided for in August, 1846, without disagreement among the North Carolina democrats. The readjustment of the tariff however proved more difficult. In 1843 a bill to reduce rates had been submitted by Mr. McKay, chairman of the Ways and Means Committee and congressman from the Fifth North Carolina District, but it was rejected. Then in 1846 came the Walker Tariff. With difficulty it passed the House, among the opponents being the three whig congressmen from the state,

Barringer, Dockery, and James Graham. In the Senate the outlook was less promising on account of the opposition of two democrats, Jarnegan of Tennessee, and Haywood. When Polk appealed to the latter for support of the bill his reply was, "I would rather die than to vote for it."[20] Finally Senator Haywood, realizing that his convictions and those of

Senator William H. Haywood

his party were in conflict, resigned on July 25, and the Senate passed the bill by a majority of one a few days later. In "An Address to the People of North Carolina" he gave five reasons for his opposition, viz.: that the bill was different from the bill of 1843 which had helped win the democratic victory of 1844, that it would result in a deficit on account of the Mexican War, that it did not give industries time to readjust from

[20] Polk, Diary, July 23, 1846.

existing to new schedules, that the whole financial program of the party should go into force gradually, and that the prevailing conception of a tariff in North Carolina was that of revenue with incidental protection, to which the Walker Bill did not conform.[21] Therefore for the sake of party harmony and because he did not endorse the interpretation of tariff policy in the legislative instructions of 1842, he resigned. His action was praised by the whigs and condemned by the democrats. The *Standard* declared Senator Haywood to be "an apostate deserter who never will be able in the course of the longest life to expiate one hundred part of the political transgression which he has this day committed." [22]

So far the democratic disaffection was limited to Senator Haywood; but in the matter of the public lands a real breach was threatened. The policy of distribution was of distinct interest to North Carolina, for thereby funds might be secured for local internal improvements. But to this policy the national democracy was opposed, standing, in contrast, for lower prices and more liberal terms to the purchasers of public lands. Hence the graduation bill of 1846 was received with apathy by five North Carolina democrats, H. S. Clark, Reid, Daniel, Dobbin, and Biggs. Through the personal influence of the administration the first four voted for the measure on its last reading, but Biggs was absent; all had been among the nays on the previous votes.[23]

Such was the federal background for state politics in 1846, a year of state elections. The party conventions met early in January. The whigs adopted resolutions in favor of a tariff for revenue with incidental protection and distribution of the proceeds of public land sales, condemned the sub-treasury, and recommended Governor Graham for re-election. The democrats endorsed the national administration and nominated Green W. Caldwell of Mecklenburg for governor. Their convention also marked a step in party organization, for the first time voting being by counties rather than individuals, and a democratic state committee replacing the previous central

[21] *Raleigh Register,* Aug. 25, 1846.
[22] July 29, 1846.
[23] *Raleigh Register,* July 21, 1846.

committee. In the campaign the democrats were handicapped by a division within their ranks. Caldwell declined the nomination. An aspirant for his place was Walter F. Leake of Richmond County, who was approved by democratic meetings in Anson, Union, Montgomery, Mecklenburg, Lincoln, and Catawba counties. But the democratic state committee asserted itself by nominating James B. Shepard of Raleigh. Mr. Leake however remained in the race until May, when the state committee, after examining the claims submitted by both candidates, decided in favor of Shepard. A feature of the campaign was the democratic attack on the whig policy toward internal improvements, notably the price paid by the state at the foreclosure of the Raleigh and Gaston mortgage. During the summer occurred the defection of Haywood and the threatened breach over distribution. It was not surprising therefore that the election, which occurred in August, disclosed another whig triumph, Graham being re-elected by a majority of 7,859. Commenting on the result the *Standard* said: "Federalism with its lawyers and banks and corporations and merchants to sustain it, has won the day and now we suppose the Whigs will have Railroads, Turn-pikes, and state indebtedness and high taxes to the heart's content. So be it."[24] The legislature of 1846 repealed the congressional district law of 1842 and created new districts, to which action the democrats applied the term "raynermander," from Kenneth Rayner who introduced the bill. The result was a whig victory in the congressional elections of 1847, the party carrying six of the nine districts. In 1846, also, Mangum was re-elected United States Senator and Badger, another whig, replaced Haywood.

It was during the state campaign of 1846 that the Mexican war opened. At once the question of its origin and also its conduct became matters of party controversy. The whigs were loud in their criticism. The legislative candidates of the party in Johnston County issued a circular denouncing the war and demanding peace. Governor Graham in his message of November 17, 1846, criticized the executive policy which

[24] Aug. 19, 1846.

resulted in the war and said: "It still remains a momentous question, under our institutions, whether Congress can be superseded in the power to make war and the authority given to the executive only to effectuate the will of the legislature, can be used to determine and settle the policy of the country in matters of boundary or any other." In the legislature the whigs prefixed to a resolution appropriating money for volunteers a preamble declaring that the war was caused by executive action. It was carried in the Senate by a majority of one but was rejected in the Commons by a majority of three. Early in 1847 a series of public meetings was held denouncing the war and demanding peace. The *Raleigh Register* urged the election of whig congressmen as a means of hastening an end of the conflict.[25] A similar attitude was taken by leading whig representatives at Washington. Senator Mangum in 1846 was among those who doubted that a state of war existed by action of the Mexican government and therefore objected to the military appropriation bill. In 1848 four of the North Carolina congressmen, Barringer, Clingman, Donnell, and Shepperd, voted for the Ashmun amendment to the Hudson peace resolution, which declared the war unnecessarily and unconstitutionally begun by the President. Senator Badger voted against confirmation of the treaty of peace because it added territory to the United States and thereby gave new life to the slavery issue.

With such a political background it is not surprising that partizanship and discontent characterized the state's relation to the military conduct of the war. In May, 1846, President Polk called on Governor Graham to raise a regiment of volunteers, consisting of ten companies and field officers, approximately 1,000 men. More than three times the number asked for responded, most of whom were from the region west of Raleigh. The ten companies chosen were drawn by lot; the company officers were chosen by the volunteers and the field officers were appointed by the governor. This policy was somewhat at variance with the tradition of the state militia, in which the field officers were chosen by the commissioned

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[25] *Register*, July 30, 1847.

officers. Democratic criticism was afforded an outlet when Governor Graham announced as field officers Robert Payne of Edenton (Colonel), John A. Fagg (Lieutenant Colonel), both anti-war whigs, and Stokes of Surry, a democrat and a West Pointer (Major). If the election had been left to the company commanders their choice for Colonel would undoubtedly have been Louis D. Wilson of Edgcombe. But he was a democrat of political ability and ambition. However he finally received an appointment in the army of the United States and died of yellow fever in Mexico. In December the regiment was formally called into federal service. The terms were that each soldier and officer should furnish his own clothing, for which an allowance of $3.50 per month was given with an advance for six months, and that mileage should be computed at 50 cents for each twenty miles to Wilmington and Charlotte, the places of mustering. All the companies except one from Rowan refused these terms. A new organization was necessary, secured by an appeal of the governor to the militia officers of the counties. In addition two companies were organized for the regular army of the United States, which were attached to the Twelfth Infantry. The legislature rallied to the cause by appropriating $10,000 for equipment and authorizing the governor to spend $10,000 additional at his discretion. Yet discontent did not vanish. The mustering officers being tardy in reaching the state, a number of desertions occurred. At length in March, 1847, the companies left for their destination in Mexico. There the regiment of volunteers added nothing to the fair name of the state. Colonel Payne proved to be vain and incompetent. A crisis was reached in September, 1847. A wooden horse which he used in meting out discipline was raided and broken to pieces by Virginia troops. When they made a second raid to destroy the debris, Colonel Payne fired, killing one and wounding others. Thereupon all the officers in his regiment requested his resignation. The matter being referred to General Wool, that officer dismissed Lieutenants Pender and Singletary. A number of officers again submitted their resignations, but General Wool pacified them and the two dismissed lieutenants on appeal to the War Department were reinstated. Although the state

troops had no part in any of the leading battles of the war, a number of North Carolinians in the regular army gained distinction and experience which prepared them for their part in the larger War of Secession, notably Braxton Bragg, James G. Martin, and Joseph Lane.

CHAPTER XV

DECLINE OF THE WHIG PARTY, 1848-1852

Manhood Suffrage and Slavery Extension

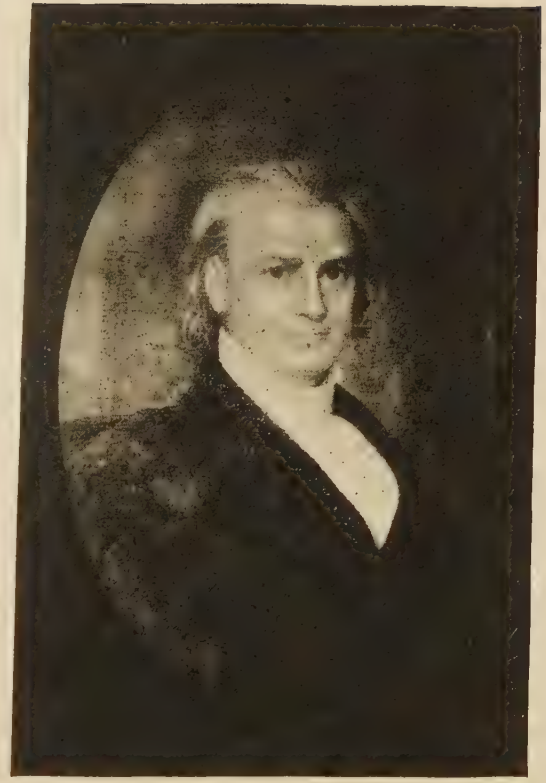
In 1848 the whig party in North Carolina seemed impregnably entrenched. Its leaders had brought about the construction of railways with state aid, had inaugurated a public school system, and had initiated a policy of professional care for physical defectives—measures which truly mark a new epoch in the social history of the state. Moreover the whigs had redeemed North Carolina from the sway of the Jacksonian democracy, carrying the presidential elections of 1840 and 1844, and also securing a majority of the congressmen in 1835, 1837, 1841, 1847, and 1849. But the supremacy of the party was near its end. Beneficial as was its legislative program, its spirit and many of its policies were at variance with the genius of the plain people. It found staunch allies among the banking interests and the manufacturers. Its use of the patronage was notorious. Its attitude toward American expansion and the Mexican War was extremely partisan, bordering on disloyalty. Finally, two issues arose concerning which its leaders were confused and its policy was uncertain, resulting in inglorious defeat at the hands of the democrats.

The first of these was the question of senatorial suffrage. The Constitution of 1776 restricted the franchise in senatorial elections to fifty-acre freeholders. This was at variance with the Bill of Rights, which declared that all power was vested in the people. Yet the restriction for many years worked no hardship and aroused no criticism, because land was cheap and could be obtained, especially in the more western counties, by payment of an entry fee. But at length the choice lands were taken up, and with the advance in the tax rates

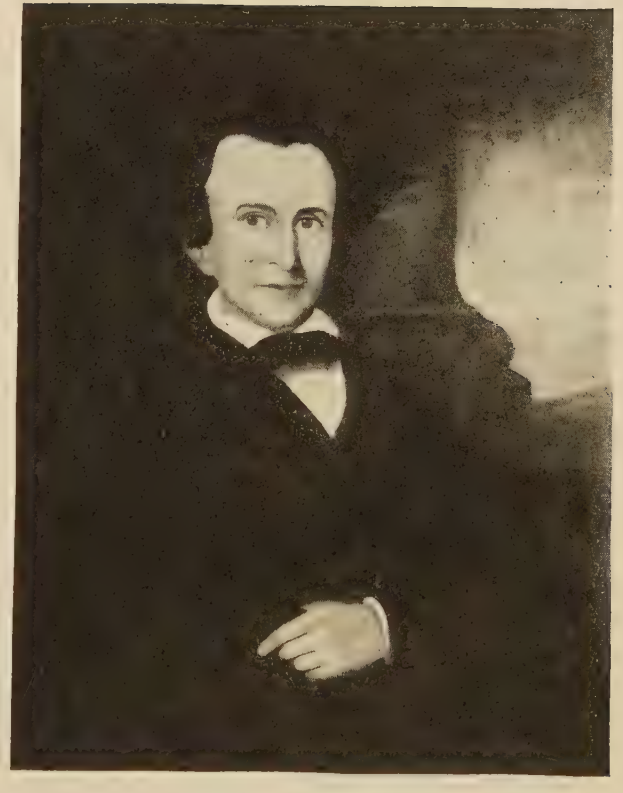
on land, property in land became a more obvious sign of wealth. Moreover capital came to be invested in other forms of property; especially after 1830 did factories and small shops multiply, each having its landless workers or owners. The same fact also held true of the professional class. Thus there was an increasing number of citizens without property in land who were deprived of the senatorial suffrage. Here was the possibility of a new issue. It was broached in 1842 when a mass meeting in Kinston protested against the freehold requirements and Green W. Caldwell raised the question in the succeeding legislature, but without results.

Thus the matter rested until the campaign of 1848. The democrats nominated for governor David S. Reid, of Rockingham County, a young man thirty-four years old, who had seen two terms in Congress and several years in the legislature. The platform was of the perfunctory type, endorsing the Polk administration and condemning certain state policies of the whigs and also their attitude toward the Mexican War. When Mr. Reid, who was not a member of the democratic state convention, heard of his nomination, he declined to accept. Holden, editor of the *Standard,* a member of the democratic state executive committee, was on the point of publishing the letter of declination, but was persuaded by one Julian Wheedon to delay for a week. Holden then consulted other democrats in Raleigh and it was decided to send a special message to Mr. Reid, urging him not to decline but to come to Raleigh immediately and open the campaign. The proposed consultation was eventually held, those present being Holden, Reid, James B. Shepard, Perrin Busbee, and a few other democratic leaders. To them Mr. Reid presented the question of manhood suffrage in senatorial elections.

"Gentlemen," he said, "this nomination was not sought by me, and it has been my purpose for a long time if I should be a candidate for a state office before the public, to broach one issue, which I deem very important. What I mean is that the state constitution shall be so amended by the mode prescribed by that instrument itself, that all voters of the House of Commons shall be allowed to vote for senators. I mean, of



Gov. Charles Manly



David S. Reid

course, no disrespect to the convention that nominated me, but I wish to discuss the question before the people. I want your opinion."

According to tradition, those present were divided; Shepard, for instance, is said to have advised against raising the issue, and Holden to have favored it. Mr. Reid, after consulting other politicians in Goldsboro and Newbern, found his conviction strengthened and he presented the issue in a joint debate with Manly, the whig candidate, at Beaufort, on May 10. Manly, taken unaware, asked a day to consider, and at Newbern his reply was against widening the suffrage. The ground of his opposition was the necessity of protecting property interests, also that the proposed reform would destroy the symmetry of the constitution, which made property the basis of representation in the Senate and population in the House of Commons. But the issue took like wildfire. Although Manly was elected, his majority was only 864. In the legislature of 1848, which was equally divided between both parties, Mr. Sheek of Surry County, a democrat and a member of the House of Commons, introduced a resolution for a constitutional amendment removing property restriction in senatorial elections. It received the necessary three-fifths majority, but failed to secure the required number of votes in the Senate. The immediate result of the issue was its liberalizing influence on the democrats. Having found a plausible and winning issue, they changed front on the matter of internal improvements and other reforms; their prominent leaders gave support to the North Carolina railroad bill, the insane asylum bill, and other progressive measures of the session.[1]

The question of suffrage reform was naturally carried into the campaign of 1850. The democrats again nominated Reid on a platform demanding manhood suffrage and also the election of judges by the people. The whigs likewise renominated Manly, but straddled the question of suffrage reform, declaring that a vote of the people should be taken on the proposed change before action by the legislature. During

[1] Carr, The Manhood Suffrage Movement (Papers Trinity College Hist. Soc., XI).

the campaign Manly, realizing that the tide was turning toward the democrats, came out in favor of a constitutional convention, which should have the power not only to change the suffrage, but also to alter the basis of representation in the House of Commons from federal to white population. This proposition found favor among the whigs of the western counties, where there were few slaves; but in the east, where the slave system was extensively developed, it met bitter opposition. Thus the whigs were divided among themselves. The result was the election of Reid by a majority of 2,733, a victory which marked a revolution in party politics, for never again were the whigs of North Carolina able to elect a governor.

The issue now took a singular and unexpected turn. Manly's suggestion of a change in the basis of representation in the House of Commons caused the whig leaders in the more western counties to demand in addition a change in the basis of representation in the Senate from property to white population. Thus was revived the old sectional issue between the east and the west which had been compromised in 1835, because the east, on account of its greater property values, now held a majority in the Senate. By way of illustration it was shown that of the fifty senators, seventeen from the west had a constitutency which was a majority of the white population of the state; yet the census returns of 1850 indicated a further reduction of western representation on account of the increasing property values in the east. To be more specific, three senatorial districts in the west, including Buncombe, Henderson, Yancey, Guilford, Surry, Watauga and Ashe counties, had five times the white population and paid double the taxes of three senatorial districts in the east, which consisted of the three counties of Martin, Hertford, and Onslow. Moreover, the issue of equitable representation involved the larger question of the privilege of slavery. "The Senate," it was pointed out, "represents property and not persons—money, not men—matter, not mind. But its odiousness does not stop here. * * * All white males between the ages of 21 and 45 are subject to a poll tax; and all slaves, male and female, between

the ages of 12 and 50, are subject to the like tax. So that three-fifths of the negroes are represented in the House of Commons, and all the negroes between the ages above designated are represented in the Senate, but your wives and children have no political rights. Peddlars, billiard tables, bowling alleys, circus riders, playing cards, retailers of spirituous liquors, brokers, merchants, watches and carriages, are all taxed. They have their senators in the state legislature. But your wives and your daughters; your old men who have served their country, your young men who are rising up to be its hope and its strength; and your poor men upon whom misfortune has hit its heavy hand; have no one there to plead their cause and protect their rights. Is this Liberty? Is this Freedom? Is this Republican Equality?"[2]

The remedy, according to the western whigs, was a constitutional convention which would make a change in the unjust representation and also consider such other questions as the popular election of judges, justices of the peace, and all executive officers. To such a program the eastern whigs were bitterly opposed, since it meant a reduction of eastern representation in the legislature and an assault on the slavocracy. Thus the unity of the whig party was broken; eastern whigs and western whigs tended to fall apart. On the other hand, the democratic leaders held strictly to the original issue of manhood suffrage and its adoption through a constitutional amendment submitted to the people by legislative initiative; yet the proposed amendment was required to have the endorsement of a three-fifths majority in the session which originated it and a two-thirds majority in the succeeding legislature. Clinging to one simple issue, the democrats avoided the cleavage between the east and the west; thereby the party profited by the issue while the whigs suffered by the sectional cleavage.

These conflicting tendencies were well reflected in the policy of the legislature. In the House of Commons of 1850 three resolutions were introduced and referred to a committee of five on constitutional reform. One, introduced by

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[2] Address to the People of North Carolina, 1851.

Love, a whig from the mountain county of Haywood, called for a convention of unlimited power; the second, by Fleming, a democrat from Yancey, another mountain county, recommended a vote of the people on the general question of reform; a third called for an amendment to be submitted to the people by the legislature. The committee, the majority of whom were democrats, reported a bill for manhood suffrage by an amendment to be submitted by the legislature, but a minority report signed by Foster, of Davidson, one of the two whig committeemen, favored the convention method. After extensive debate the report of the majority was carried by the required three-fifths vote, on January 14, 1851. However in the Senate, the seat of conservatism, some eastern democrats were lukewarm, some of the western whigs were also bitter in their criticism, and there was danger that the bill would fail. Favorable action was at length forced by the democratic members of the committee on constitutional reform, who rushed through the Commons a new bill for a convention; thus alarmed, the Senate democrats rallied to the bill before them, and it was passed by the required majority on January 23, 1851, with an amendment, exacted by the Commons, that no construction of it should be made permitting free negroes to vote.

In the meanwhile the western whigs had become alarmed over the matter of internal improvements; resolutions had been introduced to repeal the charter of the North Carolina Railroad and to repudiate the state subscription to its stock, and also a bill had been submitted prohibiting in the future any appropriation above $100,000 for internal improvements without a majority vote of two consecutive sessions of the legislature. Evidently there was some sentiment to wreck the policy on which depended the economic development of the western counties. This strengthened the agitation for a change in the basis of representation, which would naturally give the west a stronger influence in the legislature. Hence the western whig members and one western democrat, Fleming, of Yancey, before the legislature adjourned held a meeting and issued an "Address to the People of North Carolina," which pointed out the injustice of the existing basis of rep-

resentation and urged an unlimited convention to bring about the desired constitutional reform. A series of popular meetings in the interest of the cause was held in the more western counties during the spring of 1851, notably in Watauga, Buncombe, Henderson, Burke, Caldwell, McDowell, Rutherford, and Cleveland. Indeed an effort was made to launch a new party, the Republican Party of North Carolina, but it failed because the western democrats would not cooperate and the eastern whigs repudiated any suggestion of a change in the basis of representation.

Thus the schism among the whigs increased while the democrats continued to stand firm and united. In the whig convention of 1852 an effort at compromise was made by a resolution endorsing an amendment to the constitution, to be made by a constitutional convention, elected on the basis of representation in the House of Commons, provided that such a convention should first be approved by the people at an election. On the other hand, the democratic platform stood squarely for manhood suffrage by submitting the amendment to the people provided it should receive the necessary two-thirds vote of the next legislature. In the meantime the North Carolina whigs, like the members of the party in the other states of the South, had suffered since 1850 by the slavery agitation. This, and the greater unity among the democrats, resulted in the re-election of Reid over Kerr, the whig candidate, by a majority of 5,500.

In spite of the favorable outlook, the cause of manhood suffrage was checked in the legislature of 1852. By accident its opponents had a majority in the House Committee on Constitutional Reform, but a bill favoring the amendment, reported by the minority of the committee, was adopted with the two-thirds majority required for sanction by the second legislature. In the Senate, however, the bill failed to secure the necessary majority. The membership was 50, the required two-thirds vote was 33⅓; but the count showed 33 ayes and 15 nays, the bill failing by one-third of one vote. A direct cause of this defeat was the defection of Weldon N. Edwards, an eastern democrat of Warren County. He refused to cast his vote on the ground that he had always

opposed the measure and had been elected because of that opposition. Thus the whole legislative process for the amendment had to be repeated. An effort was made to begin at once by securing a three-fifths vote, but it failed, and the issue had to be considered again in the two succeeding state elections and legislatures.

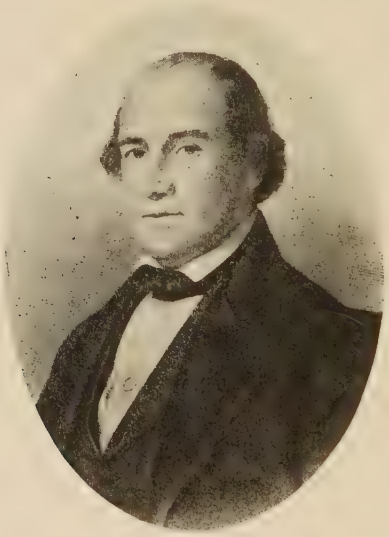
In 1854 the whigs backed and filled. New propositions for internal improvements in the west had been brought forward in 1852 and the democrats, desiring to keep in power, dared not oppose state aid. Thus much of the reason for the west to urge a change in the basis of representation was removed. Moreover, the whig platform of 1854 favored a convention with full power to alter the constitution with the exception of the basis of representation. Some of the whigs of the mountain counties were still discontented, and a whig meeting held in Asheville in April, 1854, repudiated the plank of the platform relating to a convention. Again the democrats, united on the single issue of manhood suffrage by legislative initiative, were victorious, Bragg defeating Dockery by a majority of 2,061. In the succeeding legislature the whig opposition to manhood suffrage by amendment through legislative action was led by ex-Governor Graham, who pointed out the injustice of removing the protection given property interests by the freehold qualification while retaining the protection to slave property in the guarantee of equality of the capitation tax on whites and slaves. He thus forecast the issue of slave taxation, raised in 1858. Haughton, another whig, injected the Know Nothing issue of Americanism by proposing the limitation of senatorial suffrage to native or naturalized citizens of the United States, which was accepted. The bill submitting the amendment to the people then passed both houses by the necessary three-fifths majority. In the campaign of 1856 the parties again divided on the issue, the whigs favoring a convention, the democrats the amendment through legislative initiative. Again the democrats won. In the legislature of 1856 the whig opposition was negligible, and the bill providing for the amendment was passed by an overwhelming vote. In August, 1857, the amendment was referred to the people and ratified by a vote of 50,075 to 19,382,

much of the opposition coming from the eastern slave-holding counties. The whole movement marks another step in the development of democracy, for it extended the senatorial suffrage to thousands. The democratic party had found an aggressive and winning issue, while the whigs had been divided and out-generaled.

Almost contemporary with the contest for suffrage reform came the agitation of another question which likewise contributed to a division within the whig party, and also to its decline. That was the question of the extension of slavery into territories acquired by the Mexican War. The Northwest, disgruntled because Polk compromised with England on the Oregon boundary, inspired the Wilmot Proviso of 1846, an amendment to the bill appropriating two million dollars for peace negotiations, which declared that neither slavery nor involuntary servitude should exist in any territory acquired from Mexico. It passed the House, but failed to reach a vote in the Senate. At the next session, to a bill appropriating $3,000,000 for negotiations of a more drastic treaty, an amendment was added, prohibiting slavery in any territory that might be annexed to the United States in any way whatsoever. The amendment failed in the Senate and the appropriation, without restriction, was made. But the two measures were full of significance; in the discussion of them, party lines dissolved; congressmen and senators from the slave states, with the exception of Delaware, being a unit in opposition, while those from the free states, with the exception of a score of democrats, favored restriction. A fundamental constitutional question was also raised, the power of Congress to restrict slavery in the territories. Finally, the resolutions were an unmistakable notice that the question of slavery would be a subject of discussion if the treaty with Mexico resulted in the acquisition of new territory.

The whigs suffered most by the agitation, for they were divided over the fundamental issue, the power of Congress to restrict slavery in territories. In North Carolina those with federalistic inclinations, led by Badger, believed that the power existed; while the states rights element, notably Mangum, asserted that the power did not exist. This division

was clearly revealed in 1848 during the discussion of the treaty with Mexico. Through the initiative of Senator Clayton, of Delaware, a compromise was proposed which prohibited the territorial legislatures of New Mexico and California from legislating on slavery until the Supreme Court of the United States had passed on the legality of slavery in territories. In the Senate, where the measure carried, Mangum favored it but Badger was among the nays, the only other southern senators in opposition being John Bell, of Tennessee, and



George E. Badger

Metcalf and Underwood of Kentucky. Badger's argument was that if Congress could acquire territory, it could also govern territory, even to the exclusion of slavery, which was a state, not a federal institution; that the courts would certainly so decide, and thereby the South had everything to lose by accepting the Clayton compromise. In its stead he suggested that Congress should explicitly permit slavery in those parts of the territory acquired which were adapted to the cultivation of cotton and sugar. In the House the compromise was supported by four North Carolina whigs, Barringer, Clingman, Outlaw, and Shepperd, and three democrats,

Daniel, McKay, and Venable. It was opposed by two whigs, Boyden and Donnell. Alarmed at the anti-expansion sentiment in the North, Calhoun called a meeting of southern senators and representatives with the purpose of forming a southern phalanx in Congress and unifying southern opinion through an address to the southern people. In the caucus Venable, democratic congressman from the Fifth District, was secretary, but he and Daniel of the Sixth District were the only North Carolinians to sign the Southern Address. With this piece of propaganda Badger would have nothing to do. Writing to Crittenden, of Kentucky, he said: "I have sworn to support the constitution and will never concur in any movement which may, very remotely, endanger its continuance —certainly not for the privilege of carrying slaves to California or keeping up private gaols of slaveholders in this district. Would to heaven there were a little true moderation in our councils and that Southern gentlemen were less like a half blind horse, starting at every bush and even shadow of a bush."[3]

In the meantime the issue was injected into state politics. Although the whig press had loudly denounced the Wilmot Proviso, the platform of the Whig State Convention did not mention it, while the democratic platform condemned the measure in no uncertain terms. In the national contest of 1848 the North Carolina whigs favored Clayton for the presidential nomination. But matters of expediency led the state's delegation in the national convention to give Taylor six votes and Clayton five. Sentiment among the democrats favored Buchanan for the presidential nomination, but after the third ballot in their national convention, the North Carolina votes went to Cass. The principal feature of the campaign was the criticism of the candidates; the whigs questioned Cass' soundness on slavery expansion, the democrats disparaged the ability of Taylor, and doubted Fillmore's attitude towards abolition. A most interesting feature of the campaign was the free soil ticket in support of Van Buren;

[3] Badger to J. J. Crittenden, Jan. 13, 1849. Crittenden MSS.

it received forty-seven votes in Guilford, sixteen in Orange, and thirteen in Chatham counties, and also the support of William H. Haywood, retired democratic leader. Taylor carried the state by 8,154, whereas Manly had won the state elections by 854. Evidently Taylor's southern birth rather than relative party values decided the election. North Carolina's reward for again supporting the whig cause was the appointment of William A. Graham as Secretary of the Navy, an honor conferred, however, upon the reorganization of the cabinet after the death of President Taylor. During his administration the department undertook four notable policies: the reorganization of the coast survey, the reorganization of the personnel, the exploration of the Amazon, and the Perry expedition to Japan.

The question of slavery extension was next injected into the proceedings of the legislature of 1848, the session so notable for its railroad legislation, the establishment of the insane asylum, and the introduction of the issue of manhood suffrage. William L. Steele, a state's rights whig and a member of the House of Commons, introduced resolutions to the effect that the territories were the joint property of the state, that the federal government as an agent of the states could make no laws destructive of the equal rights of the states in the territories, and that to deprive a citizen of the right to migrate to territories with slaves would be unconstitutional. These propositions were almost identical with resolutions which Mr. Calhoun had introduced into the Senate of the United States in 1847. The debates which followed revealed a cleavage of opinion regarding federal powers as marked as that in the discussion of nullification two decades before. Edward Stanly, an eastern whig, led the attack on the resolutions, holding that Congress had the right to restrict, but advocating an extension of the Missouri Compromise line to the Pacific. The *Raleigh Register*, though it disapproved of the expediency of the Wilmot Proviso, spoke definitely in defense of its constitutionality, and pointed to Jefferson's interest in the Northwest Ordinance as a precedent. Among the defenders of the resolutions was another whig, William B.

Shepard. A notable incident in the controversy was the attitude of Thomas L. Clingman, whig congressman from the mountain district. Appealed to for an opinion, he replied that the Wilmot Proviso was a violation of the Constitution which would justify resistance by all means in the power of the South—a sentiment prophetic for the rising discontent among many Southern whigs. In the end, the Steele resolutions were set aside for others less radical, which admitted the main contention, but recommended an extension of the Missouri Compromise line to the Pacific and deprecated any attempt to dissolve the Union. Copies were ordered sent to the state's representatives in Congress for transmission to that body. To these resolutions Stanly and a few other ultra-nationalists filed protests.

Closely related to the slavery debates was the election of a United States senator, Badger's term having expired. The whigs had a majority on joint ballot; the democrats sought to divide them by supporting Clingman, who now made known his repudiation of the whig ideal of a national bank, his approval of the democratic tariff of 1846, and his views on the Wilmot Proviso. In the balloting there was for a time a deadlock, but eventually Badger was reelected,—a triumph for the conservative federal whigs. Clingman utilized his defeat for partisan purposes, charging that the whigs of the Raleigh District, which always went democratic, dictated the party's nominees. The record of the parties and the candidates on the slavery question was also a factor in the congressional elections of 1849. The *Register* and the *Standard* in controversial editorials fully discussed the principle of slavery restriction, the *Register* defending the legal and the constitutional right of restriction, the *Standard* opposing it. Attention centered on the contest in two districts; the Fifth, where Venable's relationship to the Calhoun address was strongly criticised, and the Eighth, the district of Stanly, who had led the fight against the Steele resolutions. Both were elected, but on the whole the whigs carried five, and the democrats three, of the districts. The victory was a marked contrast to the congressional elections in the other southern states, where whig leadership suffered severe reverses.

Interest in the slavery controversy now shifted to the Thirty-first Congress, the first session of which convened in December, 1849. In the Senate Mangum's attitude was uncompromisingly in favor of the complete rights of the slave owner. He presented for publication in the *Congressional Globe* resolutions of a meeting in Wilmington urging that delegates be sent to the Nashville Convention, in which there was also a declaration that love of the Union, like individual life, must always be sacrificed for principle. The senator's remarks were in harmony with the spirit of the resolutions:

> Sir, I have heard much about compromises of this question. I have heard much said about equivalents and compensations, but it seems to me that that conception is based on an unjust, if not an entirely false idea of our position. What is compensation for? What imperils? Have we done anything that the North has a right to complain of? Are we to make compensation for the slanders, for the calumny, for the endangering of our firesides, for the exciting of domestic insurrection? Are we to make compensation for aggression of this character? No, sir. We stand by the Constitution and our rights, and we mean to stand by them under Heaven, and under that protection we believe that we have the power to maintain them, and we will do it at the hazard of our lives, and at the hazard of everything. Everything or anything will be incurred in preference to dishonor and an ignominious submission to an imprudent, arrogant and unconstitutional interference with our rights.

Nor was the outlook for harmony in the House more favorable. In the prolonged contest for the Speakership the whigs, realizing that Winthrop, of Massachusetts, could not be elected, turned on the fifty-ninth ballot to Edward Stanly, who received seventy-five votes. The plurality rule was then adopted, and Stanly magnanimously urged that his name be dropped for the first choice of his party. When Cobb, a Georgia democrat, received the required number of votes, Stanly as generously put the motion that he be declared elected. Among the North Carolina whigs Clingman was notably radical. On November 13, in a letter to Senator Foote of Missouri, he held that the exclusion of slavery from territories would be revolutionary and would justify resistance on the part of the South. In Congress he advocated the extension of the northern boundary of Missouri to the Pacific as the

line of division between slave and free territories in return for the admission of California as a free state, and to secure this compromise he urged filibustering on all other important matters until concession was made. Even more radical was Venable. Flushed with the success of his re-election over his whig opponent, he congratulated Clingman on his position and declared that the time had arrived when "a policy which under any form of federal legislation or executive intervention seizes for the non-slaveholding states the public domain, must be given up. * * * Abolition in the District, the dock yards, forts, arsenals, must no longer be urged, and state laws preventing or impeding the capture and recovery of fugitive labor must be repealed." If these acts of justice were not done, "separation will be inevitable. Our wrongs are unsupportable and can be tolerated no longer. But remember, we cannot be turned aside from the demand for redress by the cry of disunion; should it really ensue, on your head be the guilt, for we strove to avert the calamity." In contrast to this radicalism were the caustic and satirical remarks of Stanly, who pointed out the great influence of the South in the cabinet and in Congress, berated the politicians, ridiculed Venable as an "F. F. V., a strict Constructionist of the school of 1798, and to expect anything reasonable in politics from such a quarter is most unreasonable," engaged in a verbal altercation with Hilliard, of Alabama, and concluded "in the name of the people of North Carolina" that the "Union cannot be, shall not be, destroyed."

Of the various solutions for the slavery problem, Stanly was willing to accept that of President Taylor, the immediate admission of all territories to statehood,—in reality a free soil policy. Clingman and Venable were inclined to Calhoun's program of a non-partisan alliance of all southern members to secure everything the South desired. In fact one correspondent declared that forty-five members of the House would follow Clingman in filibustering to secure full recognition of southern rights in territories. The decisive influence proved to be that of Henry Clay, whose resolutions of January 29 were worked over into the Compromise of 1850. Under his

leadership Mangum's radicalism waned. Indeed, Mangum was a member of the committee of thirteen which framed the Compromise, and he recommended the measure in the following words: "I shall never feel any gratification in having one portion of the country gain or triumph over another portion, or in promoting the welfare of one section at the expense of another. * * * Let us differ as we please on this or that question of policy; but upon those questions which touch the integrity of the Union, and the perpetuity of the Government, and shake the solid continent to its center, I can have but one heart, one will, one mind; that is to do justice to all." Throughout the debate on the Compromise in the Senate, Mangum and Badger were active in its support. On Webster their influence was important. Wrote an observer in 1852: "Henry Clay had thrown himself into the breach, but he was powerless without some efficient aid from the North. The leading southern whigs, such as Mangum, Badger, and Dawson, rallied upon Mr. Webster, seized upon him, stuck to him, and finally brought him to the mark. His speech on the 7th of March gave a new impulse to the Compromise movement, and the whole country felt that the danger was substantially passed. But it is a notorious fact, that in the proceedings upon the report of the committee of thirteen, Mr. Webster wavered again, voting this way and that, and was only held to his place by the unceasing vigilance of Messrs. Mangum and Badger." [4]

In the House the opposition to the Compromise by the North Carolina democrats was not serious, being confined to criticism of the Utah bill and the Texas boundary. In May, after the *Washington Union* came out in favor of the Compromise, Venable and Ashe, together with Mangum and Clingman, attended the meeting of southern leaders whose purpose was to establish a newspaper in Washington devoted to southern rights.

The vote of the state delegation on the Compromise as a whole is shown by the following table:

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[4] New York Herald, April 13, 1852. Quoted from Cole, Whig Party in the South, p. 165, n.

	Texas Boundary	California	New Mexico	Fugitive Slaves	Utah	Slave Trade in District
Senate.						
Badger	yea		yea	yea	yea	nay
Mangum			yea	yea		nay
House						
Ashe (Dem.)		nay		yea	yea	nay
Caldwell (Dem.)	yea	yea		yea	yea	nay
Clingman (Whig)	nay	nay		yea		nay
Daniel (Dem.)	nay	nay		yea	yea	
Deberry (Whig)	yea	nay		yea	yea	nay
Outlaw (Whig)	yea	nay		yea	yea	nay
Shepherd (Whig)	yea	nay		yea	yea	
Stanly (Whig)	yea	yea		yea	yea	
Venable (Dem.)	nay	nay		yea		nay

The Compromise now became the issue in state politics. In the early months of 1850 there was considerable sentiment for representation in the Nashville Convention, called by southern radicals to formulate a plan of cooperative resistance. The *Standard* approved of the plan, and was also favorable to suggestions of secession. The *Star* also approved the convention, but the other whig papers were against it. Governor Manly was urged to call a special session of the legislature to send delegates. When it was realized that he would not act, numerous county and district meetings, especially in the region bordering on South Carolina, were held to name delegates, but no representative of the state made the journey to Nashville. The party conventions met before the compromise was enacted; that of the whigs approved it, but the democratic convention favored an extension of the Missouri Compromise line to the Pacific, and declared that all palpable violations of the Constitution or attempts by a sectional majority to wield the government to the injury and degradation of the South should be resisted. The democratic victory in the state elections, undoubtedly due to the suffrage issue, was considered by the more radical democrats as a condemnation of the Compromise. This, together with the strong move-

ment for its repudiation in the cotton states, led to a long discussion in the legislature of 1850. A joint committee on slavery was appointed, to which was referred a number of resolutions. Of these the most radical were those introduced by J. B. Shepard; they declared secession to be a right of self-defense which had never been surrendered, that whenever a majority of the people of North Carolina decided that they could not safely stay in the Union, it was their right and duty to secede, and that any policy of the Federal Government preventing the emigration of slave property would be an assault on property rights. The report of the committee, however, advised acquiescence in the Compromise, but retaliation in the future if slavery in the District of Columbia or the interstate slave trade were restricted, the fugitive slave law changed, or a slave state refused admission to the Union. It also recommended an advalorem tax on merchandise imported from the non-slaveholding states to offset the agitation against the fugitive slave law. A minority of the committee recommended additional resolutions defending the right of secession. The center of debate was the Senate, for there the margin between whigs and democrats was narrow. In the end the resolutions of the minority looking toward secession were rejected, and also those of the majority were first revised and then rejected. This result was brought about by a cleavage among the democrats, a faction favoring moderation led by Weldon N. Edwards cooperating with the federalistic whigs. When radicalism was checked in the Senate, the controversy in the House of Commons ended. Thus was the democracy itself divided; even the *Standard,* loud in its demand for Southern rights and even defending the right of secession, changed its tone and urged acceptance of the Compromise. An interesting phase of the controversy in the legislature was a special daily edition of the *Raleigh Register,* the purpose of which apparently was to rally sentiment for the Compromise.

The right of secession, however, was carried to the people by the radicals in the congressional campaign of 1851. In the third district Green W. Caldwell, democrat, elaborated and defended the right to withdraw from the Union, while his whig opponent, Alfred Dockery, went so far as to declare that if

South Carolina or even his native state should attempt secession, he would vote for an appropriation to be used in forcing the offender to remain in the Union. Likewise in the eighth district Edward Stanly took a similar position against Ruffin, secession democrat, and his campaign was watched with interest by the Northern press. In the mountain district Clingman faced an independent whig, B. S. Gaither, and was forced to make conciliatory explanations of his previous utterances. During the campaign the whig press was emphatically for the preservation of the Union. The *Fayetteville Observer* quoted Madison's opinion that there could be no conditional ratification of the constitution. The *North-State Whig* justified the use of force. "The President of the United States," it said, "and every executive officer under him, are sworn to execute the law, and if they are resisted, it is his solemn duty to quell such resistance, and if it is necessary in order to do it, to use the army and navy and militia of the country. War must follow. War as a result of secession is as fatal as any of the eternal purposes of God." The result was that the whigs carried five of the nine districts, among them the third and eighth, although the democrats had carried the state elections of the preceding year.

Thus love of the Union was stronger than sectionalism, and secession was repudiated. But during the contest the whigs suffered more than the democrats. Among them the cleavage over nationality and states rights came earlier and was deeper. Moreover they had to meet the crisis in federal relations at a time when the democrats were raising the suffrage issue. Also, in the solution of the national problem the whigs of the South, especially in the cotton areas, exhausted their strength. With the slavery question temporarily shelved, they had no new issue with which they could catch the imagination of the people. The reaction toward the democratic party was therefore intensified.

CHAPTER XVI

PARTY POLITICS, 1852-1860

PARTISAN DISSENSIONS — ADVALOREM SLAVE TAXATION — THE CAMPAIGN OF 1860

In the course of party politics after the exciting congressional campaign of 1851, there were three well-defined tendencies; a rapid consolidation of democratic strength, the whig organization collapsing after 1854, an inclination to emphasize other questions than those arising from slavery expansion, and a test of strength between the forces of sectionalism and nationalism. No one of these three tendencies was continually prominent and political interest shifted from one to another of them from year to year.

The point of departure is the state and national campaign of 1852. The whigs were at a disadvantage, for they suffered by the cleavage made in their ranks by the Compromise of 1850. Over a caucus of whig leaders held at Washington early in the year, Senator Mangum presided. A resolution endorsing the Compromise was rejected; thereupon a number of Southern whigs bolted, among them Outlaw and Clingman. In the state the preference of the party for the presidential nomination was Fillmore, with Graham as a running mate, a choice officially sanctioned by the state convention. But Mangum favored General Scott, who was nominated by the national convention, while Graham was named for vice president after Crittendon, Dawson, and Mangum refused the honor. On the other hand, there was unanimity among the democrats; in the national convention Dobbin led the stampede for Pierce's nomination. A distinct source of strength for the democrats was the undivided position of the party on manhood suffrage. Reid, an experienced and successful leader, was again

the candidate for governor, while Kerr, the whig nominee, had never held an elective office and quibbled over the proposed suffrage reform. The principal feature of the national campaign was defection among the whigs. Unconvinced of Scott's soundness on the Compromise of 1850, a movement for Webster and Graham in place of the regular ticket was launched. It had the support of two newspapers, the *Wilmington Commercial* and the *Asheville News,* and a new party name was proposed, national republican. Apparently the movement collapsed when Graham asked that his name be withdrawn from the new ticket. Of greater importance was the policy of Clingman, who a few days before the election expressed a preference for Pierce, on the ground that the election of Scott would destroy the influence of Webster and Fillmore, the real friends of the Compromise among the whigs, and that the defeat of Pierce would be a blow to friends of the South among Northern democrats. The results of the campaign were a democratic triumph in the state elections, Reid being elected in August, and a similar victory in the presidential election, Pierce receiving the electoral vote in November.

However the democratic success was not followed by unanimity in the councils of the party. Factionalism at once appeared in the election of a senator to succeed Badger. James C. Dobbin was the choice for the democratic caucus, but Romulus M. Saunders desired the honor, as did also James B. Shepard. The whigs formally nominated Kenneth Rayner, but did not uniformly support him, throwing votes instead to Saunders in the hope of preventing the election of a democrat. After some forty ballotings Dobbin asked for another caucus and generously proposed that his name be withdrawn. His sacrifice was refused, and the deadlock continued to the end of the session. Not till 1854 was the vacancy filled, when Mangum having also retired, Asa Biggs and Governor Reid, both democrats, were elected. In the meantime Badger had been nominated by President Fillmore to be Associate Justice of the Supreme Court of the United States, but the Senate refused to confirm the nomination. Dobbin became Secretary of the Navy in 1853, a position he filled with distinction. Among his services were the establishment of the apprenticeship sys-

tem, promotion for merit, the retired list on pay, and the construction of the first steam frigates of the navy.

Insurgency next threatened the democrats. The opportunity for revolt was the old question of distribution. In 1852 Henry Bennett of New York introduced into Congress a bill which proposed to distribute the remaining public land among the states for internal improvements and other local needs. At that time the North Carolina democrats were rapidly coming round to the whig policy concerning state aid, and distribution, which the party had opposed, now made an appeal to many members as a means of securing revenue for the proposed public works. Hence in the congressional elections of 1853 three politicians bolted the party lines and endorsed distribution. One of these, Duncan McRae, who announced himself as an independent candidate in the Third District, was eliminated by an appointment as consul to Paris. Immediately his place in the field was taken by W. F. Leake, another democrat, in opposition to William S. Ashe, regular nominee of the party. In the Second and Seventh Districts W. C. Loftin and A. W. Venable, secessionists of 1851, raised the issue against Thomas Ruffin and A. M. Lewis, the regular nominees of the party. In all three districts the independents failed of election, but in the Seventh the division among the democrats enabled the whigs to elect Sion H. Rogers. However the delegation stood five democrats and three whigs.

The state campaign of 1854 proved to be the supreme test for the waning whig party. Its convention endorsed distribution, favored constitutional reform through a convention chosen on the existing basis of representation, and nominated for governor Alfred H. Dockery, unionist of 1851 and a skillful campaigner. The democratic convention was notable for a new party policy. Its platform favored common schools and internal improvements; it also demanded suffrage reform by legislative initiative, and endorsed the states rights interpretation of the Constitution. Thomas Bragg, a comparatively new leader, was nominated for governor, mainly through the influence of Holden. During the early weeks of the contest, the odds favored Dockery. This was due to the proposed western extension of the North Carolina Railroad, which Dock-

ery ardently favored, a measure which appealed strongly to the region west of Salisbury, traditionally a center of whig strength. On the other hand Bragg, an easterner, was apathetic toward the extension until Holden showed him the necessity of taking a favorable attitude. The democratic opposition being righted, the tide then turned against the whigs. The decisive influence was the attitude of the whig convention on the issue of constitutional reform. In the more western counties there was much dissatisfaction because the platform had not demanded a change in the basis of representation; moreover, the platform did not explicitly endorse suffrage reform. A whig meeting at Asheville in April voiced the discontent by declaring that a sovereign convention could not be limited by the legislature and that any constitutional convention should face the matter of the basis of representation. The result of the campaign was the election of Bragg and also a democratic legislature.

Apparently the whigs now lost faith in the future of their party, for in the congressional campaign of 1855 they dropped their party name and merged with the new American or Know Nothing party. Prominent in the ranks of the new movement was Kenneth Rayner, who framed the third or union degree of the order. A few democrats joined, notably James B. Shepard. On the other hand some whigs, notably John Kerr, refused to follow the trend of the party and became democrats. The secrecy of the new party and its Northern origin did not lend to its popularity, and in the congressional elections the Know Nothings carried but two districts, the Eighth and the Fifth, Puryear and Edward G. Reid being the successful candidates. In the state campaign in the following year the inequality of the parties was further revealed, Bragg defeating Gilmer, the American nominee for governor, by a majority of over 12,000. The democrats also carried the legislature by a large majority.

In the meantime interest in slavery extension was revived. In 1854 Stephen A. Douglas introduced into Congress his famous Kansas-Nebraska bill, giving the people of the territories of Kansas and Nebraska the right to accept or reject slavery and repealing the Missouri Compromise of 1820. The

North Carolina democrats unanimously and strongly favored the measure; the whig-Americans were lukewarm and critical. Congressmen Rogers and Puryear were in the opposition on the ground that an amendment submitted by Clayton, prohibiting foreigners in the country from voting, was defeated. In the Senate Badger, although he voted for the measure, first proposed an amendment that the repeal of the Missouri Compromise should not revive the old Louisiana law that protected slavery, and he also held that squatter sovereignty, the right of the people of a territory to determine for themselves the issue of freedom, was derived exclusively from Congress. Within the state, the *Standard,* the democratic organ, unqualifiedly endorsed the bill. The whig press was apathetic; the *Register* doubted its expediency, especially the wisdom of repealing the Missouri Compromise, while the *Fayetteville Observer* feared a free soil reaction. The whig state platform of 1854, however, approved the measure in its entirety. In the succeeding legislature Mr. Settle, a democrat of Rockingham County, introduced radical resolutions approving the Kansas-Nebraska act and threatening resistance in case the Northern states should interfere with slavery in territories. They aroused scarcely any debate, and were rejected.

However in the presidential campaign of 1856 popular excitement over slavery reached a high record. There was genuine alarm in democratic circles over the situation in Kansas and the prospect that the new republican party of the Northwest, committed against the further expansion of slavery, would win. The *Standard* declared that the Union could not survive the election of Fremont, the republican presidential candidate, and Clingman likewise advised resistance if the election should so result. That public opinion was deeply aroused is well attested by the case of Professor Benjamin S. Hedrick, a North Carolinian, a graduate of the State University, who pursued advanced studies at Harvard and then returned to his alma mater as professor of applied chemistry. Early impressions of the evils of slavery were strengthened when he saw the prosperity of the North and compared it with his native state. During the presidential campaign he stated in reply to a direct question that he would vote for

Fremont, provided there was a republican electoral ticket in the state. News of this opinion reached Holden, and on September 17 the *Standard* hinted at the presence of a Fremont supporter on the faculty of a certain college. On the twenty-ninth a letter signed "Alumnus" formally charged that such was the case at the university, and demanded the resignation of the offending professor, though his name was not mentioned. Then, against advice, Hedrick replied to the charges against him. In an open letter published in the *Standard,* he expressed his admiration for Fremont's character. He also made plain his opposition to the extension of slavery into territories and cited similar views of early southern statesmen.

Opposition to slavery extension is neither a Northern nor a sectional ism. It originated with the great Southern statesmen of the Revolution. Washington, Jefferson, Patrick Henry, Madison, and Randolph were all opposed to slavery in the abstract, and were all opposed to admitting it into new territory. One of the early acts of the patriots of the Revolution was to pass the Ordinance of '87, by which slavery was excluded from *all* the territories we then possessed. This was going farther than the Republicans of the present day claim. Many of these great men were slaveholders, but they did not let self interest blind them to the evils of the system. Jefferson says that slavery exerts an influence both over the whites and the blacks but he was opposed to the abolition policy, by which the slaves would be turned loose among the whites. In his autobiography he says: "Nothing is more certainly written in the book of fate, than that these people are to be free; nor is it less certain that the two races, equally free, can not live in the same government. Nature, habit, opinion, have drawn indelible lines between them." Among the evils which he says slavery brings upon the whites, is to make them tyrannical and idle. "With the morals of a people their industry is also destroyed. For in a warm climate no man will labor for himself who can make another labor for him. This is so true, that of the proprietors of slaves a very small proportion indeed are ever seen to labor." What was true in Jefferson's time is true now. * * * No longer ago than 1850, Henry Clay declared in the Senate, "I never can, and never will vote, and no earthly power ever will make me vote to spread slavery over territory where it does not exist." At the same time that Clay was opposed to slavery, he was, like Fremont, opposed to the least interference by the general government with slavery in the states where it exists. Should there be any interference with subjects belonging to state policy, either by other states or by the federal government, no one will be more ready than myself to defend the "good old North," my native state. But, with Washington. Jefferson, Franklin, Henry, Randolph, Clay and Webster for political teachers, *I cannot* believe that slavery is prefer-

able to freedom, or that slavery extension is one of the Constitutional rights of the South.

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It is not, however, my object to attack the institution of slavery. But even the most zealous defender of the patriarchal institutions cannot shut his eyes against a few prominent facts. One is, that in nearly all the slave states there is a deficiency of labor. Since the abolition of the African slave trade there is no source for obtaining a supply, except from the natural increase. For this reason, among others, a gentleman of South Carolina, in an article published in DeBows Review for August, 1856, advocates a dissolution of the Union in order that the African slave trade may be revived. From North Carolina and Virginia nearly the entire increase of the slave population, during the last twenty years, has been sent off to the new states of the Southwest. In my boyhood I lived on one of the great thoroughfares of travel (near Locke's Bridge on the Yadkin River) and have seen as many as two thousand in a single day, going south, mostly in the hands of speculators. Now, the loss of these two thousand did the state a greater injury than would the shipping off of a million dollars. I think I may ask any sensible man how we are to grow rich and prosper, while "driving out" a million of dollars per day. I am glad, however, to say that the ruinous policy is not now carried on to such an extent as it has been. But there is still too much of it. I have very little doubt that if the slaves which are now scattered thinly over Tennessee, Kentucky and Missouri, were back in Virginia and North Carolina, it would be better for all concerned. These old states could then go on and develop the immense wealth which must remain locked up for many years to come. Whilst the new states, free from a system which degrades white labor, would become a land of common schools, thrift and industry, equal if not superior to any in the union. But letting that be as it may, still no one can deny that here in North Carolina we need more men, rather than more land. Then why go to war to make more slave states, when we have too much territory already, for the force we have to work it? Our fathers fought for freedom, and one of the tyrannical acts which they threw in the teeth of Great Britain was that she forced slavery upon the colonies against their will. Now, the secessionists are trying to dissolve the union because they are not permitted to establish slavery in the Territory of Kansas. If the institution of slavery is a thing good and desirable in itself, it is the easiest thing in the world for the people to vote for its introduction at any time after they have formed a constitution and been admitted as a state. If it is not a good thing, it would be an act of great oppression to force it upon them.

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Born in the "good old North states," I cherish a love for her and her people that I bear to no other state or people. It will ever be my sincere wish to advance her interests. I love also the union of states, secured as it was by the blood of my ancestors and whatever influence I possess, though small it may be, shall be exerted

for its preservation. I do not claim infallibility for my opinion. Wiser and better men have been mistaken. But holding as I do the doctrines once advocated by Washington and Jefferson, I think I should be met by argument and not by denunciation. At any rate, those who prefer to denounce me should at least support their charges by their own name.

Frank and manly as was this statement, it received no sympathy or toleration. The students of the university burned its author in effigy, the faculty adopted resolutions repudiating the heretic among them, the newspapers reviled him, and the executive committee of the university declared his power of service at an end. As Professor Hedrick remained at his post, a second meeting of the committee was held at which his chair was declared vacant. A short time afterward the deposed teacher was in Salisbury to attend an educational convention. When his presence became known, a mob gathered, burned his effigy before his eyes, and forced him to leave town. Shortly afterward he left the state, never to return, but to render it loving and faithful service in the reconstruction period. Evidently freedom of spoken opinion on the slavery question was not possible in North Carolina—a violent reaction from conditions as they existed in earlier years.

While excitement over the case of Professor Hedrick was at its height, another matter attracted comment. This was a visit of Governor Wise, of Virginia, and Governor Adams, of South Carolina, to Raleigh on October 13. Governor Jenkins, of Georgia, was expected, but did not come. The aim of this gathering of functionaries was formally stated to be a desire to inspect the State Fair; but they left before that festival opened. According to tradition, their purpose was to consult with Governor Bragg about concert of action in case Fremont was elected, but no plan was adopted on account of Bragg's conservatism. In contrast to this concern over the right of slavery in territories was the opposition of Rayner, the Know Nothing. In an address at Philadelphia during the campaign he urged the members of his party to vote for Fremont in the hope that the election might be thrown into the House of Representatives. This action was denounced by the state democratic executive committee, and made the subject of violent

editorials by Holden, which led to an exchange of blows between him and Rayner. The result of the election, so far as North Carolina was concerned, was never in doubt. There was no republican electoral ticket in the state, and Buchanan received an overwhelming vote. The irony of history is that Fremont had been suggested in 1855 as a possible candidate for the democrats, and F. P. Blair wrote to Bedford Brown suggesting that a movement in his interest be launched in North Carolina.

After the election of Buchanan interest in slavery extension again waned, and two other issues were again brought to the front. One of these was the old question of public lands. Duncan McRae, having retired from the consulship at Paris, returned to the state and announced himself as an independent candidate for governor in 1858 on the issue of distribution. A similar announcement was also made by W. F. Leake, but he soon withdrew in favor of McRae. As the whig party machinery had collapsed and the Americans had lost heart after the congressional elections of 1857, in which they elected only one member, John A. Gilmer, of the Fifth District, there was no party opposition to Ellis, the nominee of the democrats; but the whig-American press advised their clientele to support McRae. By far the greater danger to the democratic cause was factionalism. The leader who had undoubtedly done much toward winning the party's victories was Holden, editor of the *North Carolina Standard*. In season and out of season his editorials had relentlessly and ably criticized the whigs. His advice had more than once determined party policy, and his paper in news service and ideas was superior to any other in the state. Early in 1857 a movement was launched to give him the democratic nomination for governor in the following year; but his success and that of the party raised rival claimants for the honor, notably John W. Ellis, W. W. Avery, Judge S. J. Person, and A. W. Venable. Moreover Holden was a genuine man of the people, born in poverty, without family connections or ancestral traditions to aid in advancing his political fortunes. The jealousy of his power was therefore all the greater, and the opposition to his nomination was strengthened by the prejudice of the large number of whigs

who had joined the democracy since 1850. The party convention was ordered to meet at Charlotte, a strategic victory for Ellis, a western leader. A veritable preconvention campaign then followed. Most of the democratic newspapers threw their influence to Holden and the whig press openly approved his claims. Said the *Fayetteville Observer:* "Mr. Holden is a 'tried and valiant soldier' who has 'groaned and sweat' until he has made the democratic party all powerful in North Carolina. Without him these democratic lawyers would never have been judges, governors, congressmen, legislators—would have been scarcely heard of. But the work is done. And when he or his friends for him ask for participation in the honors of victory, it is only natural, now as then, that his creatures should 'take down his load and turn him like the empty ass to shake his ears and graze in commons.' How dare an editor of a newspaper, a man who has worked with his own hands, aspire to reward from his own party?"

Undoubtedly Mr. Holden was the favorite of the rank and file of his party, but the state convention was dominated by politicians, and Ellis was nominated. The *Standard* abided by the decision of the convention, and McRae, in spite of an aggressive canvass, was defeated by a majority of over 16,000. But a rift had been made which was soon widened. During the campaign, Senator Biggs resigned to accept the United States Judgeship for the District of North Carolina. Governor Bragg appointed Congressman Clingman to fill the unexpired term. When the legislature met Bragg was elected over the opposition of Holden and Reid. Evidently Holden had fallen out with the party machine. Thereafter he became more conservative in the matter of states rights and by 1860 he was identified with the union faction of the party.

Democratic supremacy, however, was threatened by a larger and more vital question than distribution and the rivalry of leaders. That was the unequal burdens imposed by the revenue system. As the scope of taxation was widened by the addition of new schedules, there was no equitable application of rates. Investment in land yielded more revenue than smaller amounts loaned at interest or invested in bank stock, while investment in trade was taxed less than land or stocks.

Governor Reid in 1852 and 1854 called attention to this condition in the following words: "At present $1,000 loaned at interest pays $1.80, while $1,000 hoarded against the public convenience and public policy pays nothing at all; $1,000 invested in land pays $3, while $1,000 invested in trade pays $1." The remedy he proposed was the adoption of the advalorem principle. "It is believed," he said, "that after excepting slaves, each person's estate, real and personal, including money, whether at interest or not, ought to be taxed alike, according to value. This would require every person to contribute in proportion to the value of his or her estate, and would equalize the public burden between the various classes upon principles of justice." Although the revenue law was revised in 1854, 1856, and 1858, the advalorem principle was not adopted. The existing inequality was most marked in that class of property which Governor Reid excepted from his proposed reform, viz., slavery. Slaves were taxed only as polls, all between the ages of twelve and fifty being subject to a capitation equal to that paid by white polls between the ages of twenty-one and forty-five. In 1850 the total number of polls paying the capitation tax was 175,053. Making allowances for the taxation of both sexes of slaves to one of whites, and also a longer period during which the slaves were subject to taxation, the slave polls were approximately three-fourths of the total, or 131,000. Their real value, on an estimate of $800 each, was $104,800,000; the revenue yielded was $26,200. In marked contrast was the revenue from land, $36,398 on a valuation of $60,664,900. Thus slave property, having a greater value than land, yielded less revenue. Another inequality was revealed in the contrast between the income taxes and the slave polls. According to the revenue law of 1856, the white mechanic whose income was $500 or more paid $5 in addition to his poll tax, while on the able-bodied slave, perhaps also a mechanic and a competitor of the white, only a poll tax of 50 cents was imposed. Similar inequalities in the taxation of slaves and other forms of property were also apparent.

Evidently here was a dormant issue, inflammable in character, which might rouse the non-slaveholding whites against

the slavocracy. It was championed in 1858 by a group of legislators, led by Moses A. Bledsoe, democratic senator from Wake County. When the committee on revenue was appointed, Mr. Bledsoe submitted resolutions denouncing as unjust and undemocratic any discrimination for or against any form of property, and directing the committee to be guided by the principle of the resolution in its deliberations. The resolutions were promptly rejected. A few days later Mr. Turner proposed a bill for a constitutional amendment embodying the advalorem principle to be submitted to the people. Mr. Gorrell, a whig, offered an amendment for an open unrestricted constitutional convention, and Mr. Ramsay also proposed an amendment specifically demanding the advalorem taxation of slave property. The bill for the convention, and also the proposed amendment, were rejected. Mr. Bledsoe, however, was uncompromising; he sought but was denied the privilege of protesting against the revenue law, which was drafted along traditional lines. In the meantime the agitation was started in the House of Commons. Messrs. Faribault and Speer introduced resolutions similar to those of Bledsoe, and Mr. Dockery presented a bill for a constitutional convention; both were tabled.

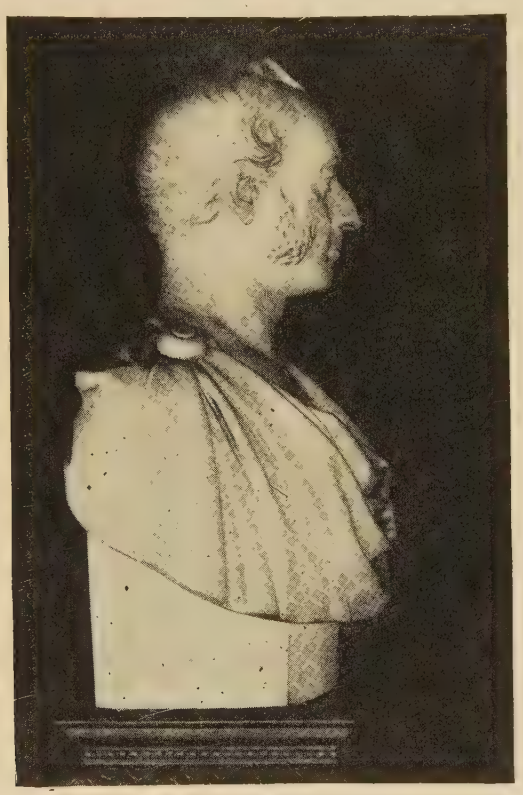
Defeated in the legislature, Mr. Bledsoe carried the issue to the people. An organization for propaganda was established, the Raleigh Working Men's Association. It emphasized the inequalities arising from the slave capitation and the privileged position of slave property. Slaveholders, it was claimed, benefited most by railroads and internal improvements, yet they contributed less than their share to the burden of the public debt. A distinct appeal to class feeling was therefore made. Illustrative is the following extract from an address by Frank I. Wilson, agitator of the cause, and also an employee of the *North Carolina Standard:*

> Our preachers all tell us that our lot has been cast in a Christian land. I will not deny this, but I sometimes have my doubts about it. Of one thing I am sure; as working men, we have fallen on evil times. Dark and troublous clouds are lowering around us. Compelled to the *disgrace* of labor, either mental or physical, to maintain ourselves, our wives and children, the keen scented nostrils of *patriots* smell treason in every movement of our muscles, and in every idea

of our brains. In every pulse throb of the blood that courses through our veins, they feel a jar to the Temple of Liberty, and in every word we utter they hear the thunder tones of intolerable impudence and insolence. Ever and anon thus wrath, like arrowy lightnings, cleaves the gloom above and around us with a light whose lurid gleam is quite as substantial, if not as fearful, as chaos itself. Should not this appall us? Should not we pause, dismayed, horror-stricken, and trembling in every joint? Should we not crouch at the feet of these *superiors,* and humbly beg as *inferiors,* permission to breathe the free air of God? What! a man with the smell of the workshop upon him, or with the pale face of mental exhaustion, to dare utter his sentiments! to dare expose his views! to dare have a soul, a mind, a thought of his own! Surely the acme of impudence is reached and the walls of insolence scaled.

The leaders of the advalorem cause endured much vituperative abuse at the hands of the conservatives, especially those of the democratic party. Their reasoning, however, had to be met, and the argument against reform took three lines. First was the claim that equality in the matter of poll taxes was a part of a compromise in the Convention of 1835 by which slave property was to be protected in return for concession to the West in the matter of representation, where slaves were less numerous; hence the proposed reform would also lead to a change in the basis of representation and the apportionment of the school fund. In reply Mr. Bledsoe denied the existence of any evidence that taxation had been the subject of compromise, or that a new system of taxation would change the basis. The second argument of the conservatives was that advalorem taxation of slaves would aid the abolitionist policy. "Give the abolitionists power to tax slaves at pleasure, and we establish a lever for the uprooting of slavery in this state, of which free soilers will soon take advantage." The apt reply was that the recognition of slaves as persons in the existing revenue system was in full accord with the abolitionists' views, while taxing them advalorem fitted in with the southern view of slaves as property; such indeed was the policy of the other Southern states and its adoption had greatly diminished state debts. The final argument against the advalorem principle was theoretical, that if value be the standard of revenue, the poorer classes suffer, that taxes on labor can never be satisfactory, and that levying on capital will inevitably result in proscription.

So far as slavery was concerned, the friends of advalorem had the better of the discussion. Two conditions favored a wide acceptance of the proposed reform. One was that the slaveholders were in a large minority, and that industrialism, the antithesis of slavery, made marked progress between 1850 and 1860. The other was the revival of the whig party. Early



Gov. John W. Ellis

in 1859 the American members of the legislature held a caucus, agreed to abandon Know Nothingism, and to renew their political life as whigs. The movement was well received by the people, for in the congressional elections of 1859 four whig candidates were successful, W. N. H. Smith, from the First District, J. A. Gilmer in the Fifth, J. M. Leach in the Sixth, and Zebulon B. Vance in the Eighth. For further success there was apparently only lacking a popular issue, and

that was found in the matter of taxation. Hence the whig state convention of 1860 wrote into its platform a demand for the advalorem principle, to be established by a constitutional convention, and John Pool, of Pasquotank County, was nominated for governor. The democrats, threatened with a defection from the party by Bledsoe and men of his type, and also under the necessity of conserving the loyalty of the slaveholders, renominated Governor Ellis, deprecated as "premature, impolitic, dangerous, and unjust" the advalorem issue, but favored equality of taxation upon various classes of property as far as practicable within the limits of the constitution.

The ensuing campaign was hotly contested. In its early stage the advantage was with Pool and the whigs, for they clearly demonstrated the inequality in the existing revenue system. Several factors, however, turned the tide against them. One was the strategy of Ellis; pointing out the absence of exemptions in the proposed reform, he assumed the purpose was to tax the ovens, pots, chickens, eggs, and furniture of the small householder at equal ratio with the landlord's slaves. Thus the whig program was made the subject of considerable horse play over pots, pans, and tin cups. Another influence favoring the democrats was the strength derived from the national campaign, the argument that the rights of the South would be safer with a democratic than a whig administration. Finally the people of North Carolina were by nature conservative, slow to accept reforms of whatever kind. Consequently Ellis was reelected, but his majority was 10,000 less than that of 1858, incontrovertible evidence that the whig party was once again a factor to be reckoned with.

In the meantime excitement over the slavery question, which subsided after the campaign of 1856, revived. The principal cause was the John Brown raid at Harper's Ferry in October, 1859. Even conservatives, to say nothing of the fire-eaters, foresaw possibility of war, and urged military preparations. Volunteer military companies were organized in many counties, among them Buncombe, Edgecombe, and Warren. Governor Ellis procured from the Secretary of War a new supply of arms for the federal arsenal at Fayetteville. Even the *Raleigh Register* declared that the South would

never submit to the election of Seward or a sectional republican to the presidency. There was some demand that a special session of the legislature be convened. Governor Ellis, in December, consulted the council of state, which approved the course of Governor Wise, of Virginia, and summarized public opinion in the following resolution: "If we cannot hold our slave property and at the same time enjoy repose and tranquillity in the Union, we will be constrained in justice to ourselves and our posterity to establish new forms."

Almost contemporaneous with the John Brown affair came the revelation of antislavery and abolition activity within the state. In 1857 Hinton Rowan Helper, a native of Davie County, had published his celebrated "Impending Crisis," a comparison of the slave and the free states to the disparagement of the former, and an appeal to the non-slaveholding whites to unite against the slave power. The book attracted little attention until 1859, when a large edition was subscribed to by prominent republicans and abolitionists for use in the congressional campaign. The work and its author then became the subject of violent denunciation. Helper was charged with having fraudulently used his employer's money when a young man, and "The Impending Crisis" was regarded as incendiary literature. During the summer of 1859 John A. Gilmer, whig candidate for Congress, was openly accused of possessing a copy. The whigs replied by making a similar charge against Governor Ellis. The *North Carolina Standard* thought the matter sufficiently serious to explain that the governor had received two copies; one presented in New York by Mr. Helper, was cast out of the window; the other, sent through the mails, was used to light the gubernatorial pipe. Early in 1860 it was discovered that 150 copies were being shipped to one Jesse Pope, of High Point. Judge Saunders thereupon issued a writ for Pope's arrest when he should apply for the books. Pope was an invalid, unable to walk, and a mob at High Point seized the books and burned them. Pope, it was now revealed, was only a blind for the operations of Daniel Worth, a native of Guilford County, who after spending some years in Indiana returned to the state in 1858 as a Wesleyan Methodist minister and established a church

at Sandy Ridge, near Jamestown. In December, 1859, he was arrested for circulating Helper's book and was ordered to give two bonds of $5,000 each, one for his appearance at the Superior Court, the other to keep the peace. The first bond he gave, the latter he refused and went to jail. At the trial four copies of Helper's book, which he had sold, were exhibited. One purchaser had burned his copy, while another hid his in a hollow log. The penalty inflicted was one year's imprisonment and a public whipping, the latter being remitted by the judge on account of the advanced age and calling of the prisoner. Appeal was taken to the Supreme Court and bond was fixed at $3,000, but Mr. Worth left the state. The Supreme Court confirmed the verdict and the bondsmen had to pay. Five men, apparently converts of Worth, were also imprisoned in Guilford County and at least one in Mecklenburg. It is probable that Worth wrote the following letter to the *Boston Tract Journal* in June, 1859:

> The portion of the South in which I labor is wonderfully opened for the reception of antislavery truth. I am a native of the state, and have faithfully preached an uncompromising gospel at every point of my work. Not satisfied, however, with mere verbal effort, I determined to introduce antislavery books. Many thought this hazardous in the extreme, in view of the abominable laws on that subject, and greatly feared my enthrallment. I maintained that he that will not risk something for Christ is not worthy of him; he that will save his life shall lose it, etc.; and the success is beyond my expectations. These books were circulated *at first rather covertly;* but greatly disliking this covert operation, I came out *boldly, disdaining all concealment*, and my book agencies are probably doing more than I am able to do by preaching. Among these books, I have circulated fifty copies of "The Impending Crisis," by Helper, which takes fire in dry stubble. * * * * Is not this wonderful? Is it not the hand of Him who has said, 'The wrath of man shall praise him and the remainder of wrath he will restrain' * * * And now let me say to the American Tract Society that I have no doubt of our ability to distribute successfully at least six thousand tracts such as those to which you allude. * * * I have just sent to New York for another box of Helper's work to supply the increasing demand. A slaveholder who has read the book is now asking his neighbors what he must do with his slaves. Are not these blessed portents, my brother?

Along with the renewal of slavery propaganda came a crisis in party supremacy, local and national. Within the

state the whig organization was being revived, four whigs being elected to Congress in 1859. At the same time in the South and the West the republicans made great gains, electing 109 members to the Thirty-sixth Congress to 101 by the democrats. This gave the whigs and former Americans, with twenty-seven votes, a balance of power. When Congress met in December the democrats made a bid for the support of the southern whigs by introducing a resolution to the effect that no member who had endorsed Helper's "Impending Crisis" was fit to be Speaker—a blow at Sherman, the republican candidate for the position. But the whigs, realizing fully their strategical position, were not receptive. Gilmer, of North Carolina, moved as a substitute that all good citizens should oppose every attempt to renew the slavery agitation. In the prolonged contest for the Speakership, there was at first a deadlock. On the thirty-sixth ballot there was a decided movement to compromise on Gilmer, who received thirty-six votes. The North Carolina democrats were alarmed, for Gilmer was an uncompromising partisan whose influence the southern democrats greatly feared. Under the leadership of Warren Winslow, they threw their influence to another North Carolina whig, W. N. H. Smith, who received 112 votes on the thirty-ninth ballot. The republicans, alarmed at the prospect of the Speakership going to the South, then dropped Sherman for Pennington, a moderate republican, who swung sufficient northern whig votes to secure the election on the forty-fourth ballot. Throughout the contest there were many threats of violence. At one time L. O'B. Branch, of North Carolina, challenged Mr. Grow, a Pennsylvania republican, to a duel, which Grow declined. Both were later arrested and placed under bond to keep the peace.

With such a political background—the rise of the advalorem issue, the revival of the whig organization, the excitement over abolition propaganda, the increase of republican votes in Congress—the presidential campaign of 1860 opened. In the democratic state convention radical sentiments dominated. The platform emphasized the right to take slaves into territories, and declared that the people would resist any encroachment on their constitutional privileges. Governor Ellis

declared that the existence of slavery in the states as well as the territories was at stake. But among the delegates to the national convention, which met at Charleston, there was a distinct cleavage between the radicals and the conservatives, with the latter in the majority. It was the hope of Yancey and the leaders from the far South to win the support of the delegation from North Carolina in order to force the acceptance of a platform endorsing the Dred Scott decision and also to prevent the nomination of Stephen A. Douglas for the presidency. As a step in this direction, William W. Avery, of Burke County, a radical, was made chairman of the committee on resolutions. There was much caucusing for the pro-slavery cause in which the North Carolina conservatives, led by Bedford Brown and W. W. Holden, refused to participate. Wrote Mr. Holden: .

> When I reached Charleston, I was taken aside by a friend in whom I had full confidence, who said, "Holden, I know you want to do right; I have been here several days, and I have information of a purpose on the part of some of our Southern friends to dissolve the Union." I was greatly surprised and concerned. He said to me, "I give you tonight to listen and learn, and in the morning tell me what you think and what your purpose is."
>
> The night of the day on which we all reached Charleston, we held a meeting in our delegation room and Mr. Senator Bayard of Delaware presided. A motion was made to appoint a committee from our delegation to visit the Southern delegations, and confer with them, mainly because some of them were natives of North Carolina. This motion was opposed by Bedford Brown, R. P. Dick, and myself, and voted down. We maintained that it would be a sectional act and under the circumstances would be improper. And there I saw the cropping out of the purpose of which my friend had just warned me. Colonel Bedford Brown had just said to me, "Mr. Holden, our delegation has very properly decided not to send officially any one to visit the Southern delegates, but we can go as individuals to a great meeting to be held to-night, near this place on Charleston Street. I propose to go, will you go?" William A. Moore of Edenton was standing by, and said he would go too. The meeting was held upstairs in a very large room which was filled. I heard several speeches and they were all for disunion, save the short speech made by Colonel Bedford Brown. Mr. William L. Yancey of Alabama spoke first, for a considerable time. He was followed by Mr. Glenn, Attorney General of Mississippi. Colonel Brown then took the floor, being called out by Mr. Glenn, who was his kinsman. He made a conservative Union speech, and was interrupted, and scraped, and laughed down. An Arkansas Militia General whose name I have

forgotten, and who was unknown in the conflict between the North and South, replied to Colonel Brown, and ridiculed his views, amid general and vehement applause. Colonel Brown then turned to me and said, "Mr. Holden, let us shake off the dust from our feet of this disunion conventicle and retire."

We returned to the Charleston Hotel, and very soon a large crowd with a band of music appeared at the front of the hotel. Speaking was going on at various points, and presently, some bold fellow in front of the hotel shouted, "Three cheers for the Star Spangled Banner!" and fled for his life. The reply was from the crowd, "*Damn* the Star Spangled Banner, tear it down."

The next morning I told my friend who had warned me of the danger of disunion, and of bolting the body, that my mind was made up, and that I would stand by the American Union at all hazards and to the last extremity.[1]

When the debate on the platform was held, the North Carolina delegation as a whole favored neither the majority nor the minority report, but simply a reaffirmation of the Cincinnati platform of 1856. When it was evident that the minority report, reflecting the opinion of the Northern democracy, would be adopted, the protest of William S. Ashe and Bedford Brown caused the rejection of a clause referring the whole matter of slavery in territories to the Supreme Court. When the revised report was adopted, the North Carolina delegates refused to follow those of the cotton states who bolted the convention, and thereby restrained the Virginia delegation. Concerning this crisis Mr. Holden said:

A few days afterwards while the vote was going on, and while South Carolina and Georgia and Mississippi and Florida and Arkansas and other states south of us were bolting, another friend of mine, Mr. R. C. Pearson, of Burke, approached me from the rear, and said to me most earnestly, "You must make a speech and hold our delegations against going out." He had come for me through the Virginia delegation who sat in the rear, "for," said he, "from what I have heard, if our delegates go out, Virginia will go out also, and the convention will be broken up." I said, "Mr. Pearson, I am not in the habit of speaking very often—there are 600 delegates here, and a vast audience besides—it would be a piece of assurance on my part, to attempt to address this body at this time, especially amid this excitement, with Mr. Cushing, the president of the body, hostile to Mr. Douglas and his friends I can't get a hearing." "Yes, you can," said he, "I will go around and speak to the Indiana, the Illinois and the Ohio delegations, and ask them when you arise to speak, to insist on

[1] Memoirs, pp. 9-11.

North Carolina being heard." I then told him I would try as soon as Mr. Seward of Georgia took his seat. I arose and said, "Mr. President, Mr. Holden of North Carolina." Mr. Cushing sat for twenty seconds and did not recognize me. Then the states mentioned arose and demanded in a voice of thunder that North Carolina be heard. Mr. Cushing arose and bowed, and gave me the floor. I spoke for ten minutes. I told the convention I had been sent there by the state of North Carolina, one of the four state delegates; that I could not be a party to any steps looking to disunion; that my party had sent me to maintain and preserve, and not to destroy the bonds of the Union; that by an immense majority the people of my state, with *George Washington* the Father of the Country, would frown indignantly on the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which link together the various points.

After ineffectual balloting for the presidential nomination, the convention adjourned to meet at Baltimore. There now occurred a distinct movement in favor of Stephen A. Douglas. The *Standard* was outspoken for him, as were also four of the ten electors. Personal ties also favored him, his wife by his first marriage having been a lady of Rockingham County. But the policy of the Baltimore convention in seating Douglas delegations and rejecting all others caused another withdrawal of Southern members, among them all of the North Carolina delegates except three, Holden, R. P. Dick, and J. W. B. Watson. Douglas was nominated, but Holden and Watson did not vote. The sixteen bolting members then joined a new convention in which Avery was again chairman of the committee on resolutions. The majority report of the Charleston convention was then adopted and Breckenridge was nominated for the presidency, but the North Carolina delegates cast their first ballot for Dickinson and Green. On the next ballot one of the North Carolina delegation nominated Lane for the vice-presidency, who was chosen.

But the state democracy was not yet united. There was still considerable sentiment for Douglas. Of the electors, Henry W. Miller resigned and refused to support Breckenridge. There was a demand that a party convention be called to decide the matter, but the state executive committee refused to take action. Thereupon the *Standard* proposed that the electors vote for either Breckenridge or Douglas, according to the chances for defeating Lincoln. On August 30 the Doug-

las men held a convention at Raleigh which was addressed by Douglas himself, put out electors, and started a campaign newspaper, the *National Democrat*. But the tide of democratic opinion drifted toward Breckenridge. The *Standard* failed to join the Douglas movement, and in the election he received less than 3,000 votes.

In contrast to the dissention among the democrats was the unanimity among the whigs. Their state convention, like the national one, avoided the slavery issue; in the latter, Governor Graham received the vote of the state delegation for the presidential nomination. The campaign was notable for a sense of sobriety and seriousness. The radicals were less extreme in their demands than in 1856. There was no threat of secession in case of Lincoln's election until October. In reply a great mass meeting was held at Salisbury toward the middle of the month under whig auspices. It lasted two days and was attended by prominent whig leaders. A notable incident was a speech by Zebulon B. Vance in behalf of union, of two hours' duration, delivered in a drizzling rain, which held the audience spell-bound. "But one sentiment prevailed," wrote a correspondent, "and that was, we will fight for the Constitution, the Union, and the laws, within the Union and the laws. We will not be influenced by seceders in the South or black Republicans in the North, and we will never give up our institutions until stern necessity compels us to believe that they, being no longer adequate to our protection, we must resort to that right of revolution which is inherent in every people."

With the assurance of a secession movement in case of a republican victory, the ultimate influence that determined the election in North Carolina was the choice between nationality and disunion. Undoubtedly the vast majority of the voters held no brief for secession, but between a president representing the sectional ideals of the Northwest and one representing those of the South, there could be no choice. Moreover it was argued that the surest check to secession would be a victory for Breckenridge. Such an interpretation was warranted by the popular vote in November, which was: Breckenridge, 48,539; Bell, 44,990; Douglas, 2,401. Breckenridge's

majority over both opponents was thus 848. Suggestive also was the sectional character of the vote. Most of the extreme eastern counties gave Bell a majority, as did also most of the western counties. On the other hand, the middle eastern counties and those of the west where the tobacco and cotton industries were well established, also a group along the Tennessee line, gave a majority for Breckenridge. Thus the old alignment between whigs and democrats which characterized politics before 1850 was revived. In the months to come that party division, as well as the question of secession, was to be tested.

CHAPTER XVII

AGRICULTURE, MANUFACTURES, MINING, TRANSPORTATION

The thirty years prior to 1860 mark a distinct epoch in the advance of agriculture, the utilization of natural resources, the expansion of industries, and the growth of transportation. Then appeared the foundations, somewhat rudimentary, for that economic life which received its greatest impetus after 1865.

In 1860 more than 98 per cent of the population was rural. The largest city was Wilmington, with 9,555 souls. Agriculture was the principal occupation. In several aspects it differed from conditions in other states. The average size of farms was 316 acres, to 352 for the South Atlantic states; the percentage of improved land was 27.4, less than in Georgia, South Carolina, or Virginia; the value per acre was $7.59, to $11.33 for the South Atlantic region. Yet between 1850 and 1860 the value of farm property increased 101.4 per cent and the value of implements from $78 per farm to $115.

For this relative backwardness the causes were patent. One was that North Carolina from its earliest days was a refuge for men of small property who hoped to improve their economic condition. Few had the financial resources or the knowledge to conserve or improve the land. The method of tillage was wasteful. The early settlers cleared the forests and tilled the virgin soil repeatedly, year after year, with little rotation of crops and no application of fertilizers, until its fertility was exhausted. Then the pioneers pushed on in search of new virgin lands. By this process the country was reclaimed from the savages, but for several generations there was no improvement in the method of cultivation.

Gulleys, galls, and old fields marred a land naturally productive. To these causes should be added the poor facilities for transportation. The long distance from market centers made for isolation; new ideas, inventions, and better methods slowly reached the people. Ignorance hung like a pall over the masses.

Although this picture is depressing, there was notable progress between 1850 and 1860 when the value of farm products increased 101 per cent. The reason for this improvement was a general awakening in regard to agriculture throughout the state. Its first manifestation was the establishment of agricultural journals. In 1839 John Sherwood began the publication of the *Farmers' Advocate* at Jamestown. In 1852 Dr. J. F. Tompkins of Bath founded the *Farmers' Journal,* which he removed to Raleigh in 1853. In the latter year two more publications were begun at Raleigh: the *Arator,* by the venerable and experienced journalist, Thomas J. Lemay, and the *Carolina Cultivator,* by William D. Cooke, director of the Asylum for the Deaf, Dumb, and Blind. Later, in 1858, A. M. Gorman established the *North Carolina Planter* at Raleigh. In all these journals the prevalent methods of cultivation were attacked, and attention was called to the use of fertilizers, the value of deep plowing, terracing, and the chemistry of soils. Another phase of the agricultural revival was the foundation of the State Agricultural Society in 1852 and its annual fair, the first of which was held at Raleigh in 1853. Co-operating were county societies in every section of the state. Still another evidence of progress was the investigation of the state's agricultural resources, in which the guiding spirit was Dr. Ebenezer Emmons, state geologist from 1852 to 1863. Several of his reports touched on agriculture; the first, issued in 1852, included a study of the agriculture of the eastern counties; the third, in 1858, contained a general treatise on agriculture; the fourth and fifth, which appeared in 1860, consisted respectively of "Sketches of Lower North Carolina," by the foremost Virginia agriculturist, Edmund Ruffin, and a report on the swamp lands belonging to the Literary Fund. The Uni-

versity was also responsive to the new movement, establishing a chair of Applied Chemistry in 1854.

There were some notable results from this intelligent interest in agricultural improvement. Said Chief Justice Ruffin before the Agricultural Society in 1855:

> Of the counties ranging along our northern border, from Warren to Stokes, inclusive, I have had for about fifty years, considerable knowledge. That was the principal region of tobacco culture. According to the course of that culture, wherever it prevailed in our annals, the country was cut down rapidly, cropped mercilessly with a view to quantity rather than quality, then put into corn, and exhausted quickly and almost entirely. When I first knew it, and for a long time afterwards, there were abounding evidences of former fertility, and existing and sorrowful sterility. Corn and tobacco and oats were almost the only crops. But little wheat and no grasses were to be seen in the country. Warren and Granville bought the little flour they used from Orange wagons. Large tracts were disfigured by frightful galls and gulleys, turned out as "old fields," with pines and broom straws for their only vesture instead of their stately primeval forests, or rich crops for the use of man. This is a sad picture. But it is a true one; and there was more fact than figure in the saying by many, whose work of destruction rendered that region so desolate, and who then abandoned it, that it was "old and worn out." Happily, some thought its condition not so hopeless, and cherishing this attachment for the spots of their nativity, within these few years—since the time of railroads and river navigation began—set about repairing the ravages of former days. Do you suppose they were content with less crops, and therefore that they cultivated less land than before, leaving a larger portion for recovery by rest? That was not their course. They did not give up the cultivation of tobacco, but gradually increased it, and corn also; and they added to their rotation wheat, when so much more easily and cheaply carried to market. But they gradually increased the collection and application of manures from the stables and cattle yards, with considerable additions of the concentrated manures obtained from abroad, and protected the land from washing by judicious hill-side trenching and more thorough washing. The result has been that many old fields have been reclaimed and brought into cultivation. that lands generally much increased in fertility, and, of course, in actual and market value in a like proportion, while the production has probably doubled in quantity and value in all the range of counties mentioned.

The pioneer and presumably the banner county in agricultural improvement was Edgecombe. There, about 1847, the use of marl and fertilizers of various kinds was introduced on the plantations of the Battles', Bridges', Danceys',

Norfleets', and others. Within six years production wonderfully increased, until Edgecombe was widely known as the leading agricultural county of the state.

Among the principal crops there were both a notable increase of production and also tendencies toward concentration. Tobacco culture is illustrative. It had its origin in the colonial period and followed the tide of immigration as it flowed into the piedmont region. Production almost trebled between 1850 and 1860, increasing from 11,984,786 pounds to 32,853,250 pounds. Yet in 1850 about eighty per cent of the crop was produced in Caswell, Granville, Person and Wayne counties; and in 1860 the same percentage held good for these counties and four others, Franklin, Orange, Rockingham and Stokes. Rice culture was concentrated in Brunswick County, which produced over 6,700,000 of the 7,593,000 pounds yielded in 1860. Cotton culture did not expand rapidly until after 1820; production in 1801 was around 10,000 bales; it probably increased to 25,000 in 1821 and by 1840 had reached 129,815. In 1850 there was a sharp decline to 73,845 bales, but in 1860 production shot up to 145,514. The area of large production (over 1,000 bales per county) included the following counties: Anson, Cabarrus, Mecklenburg, Montgomery, Rowan, Richmond, Surry, Union and Wake in the piedmont region; and Bertie, Duplin, Edgecombe, Franklin, Greene, Halifax, Hertford, Johnston, Martin, Nash, Northampton, Pitt, Robeson, Wayne, and Wilson in the east. It is notable that the production of cereals did not decline with the increase of tobacco and cotton. The wheat crop of 1860 was 4,743,706 bushels, an increase of over 2,500,000 compared with that of 1850. The corn crop of 1860 was over 30,000,000 bushels, likewise an increase of over 2,500,000 compared with that of 1850. In the production of peas and beans North Carolina was exceeded only by Mississippi.

In the development of manufactures there were three distinct periods. The first extended from colonial days through the first decade of the nineteenth century. Domestic and household production flourished. The eastern counties were notable for their naval stores and lumber. In the piedmont and western counties the industrial genius of the Scotch-

Irish and Germans was manifest in a number of industries. There in 1814 Tenche Coxe listed fifteen of the twenty fulling mills in the state, twenty-three iron works, three paper mills, and eight powder mills. In 1813 Michael Schenck established in Lincolnton a cotton mill, certainly the second, and probably the first, south of the Potomac River. In 1814 it was estimated that 23,750 fur hats were produced in the western region. In all sections distilleries and looms were plentiful. The former in 1814 numbered 5,426, with a product estimated at 1,386,691 gallons. In the same year the looms numbered 40,798, producing 7,376,154 yards of cloth, far more than the woolen and cotton output of Massachusetts. Evidently in the early nineteenth century there was a strong tendency for North Carolina to become a manufacturing center. But with the advent of cotton culture after 1800, for almost a generation agriculture dominated all other economic interests; leadership in manufacturing was taken by New England and the middle states, where machinery and the mill supplanted domestic and home production.

There were two by-products of this predominance of agriculture; one was the exhaustion of the soil and a steady emigration to other states in search of virgin lands; the other was the decline in the price of cotton after 1825, due to the increased production throughout the South. These facts contributed to the profound sense of economic depression, so notable in the criticisms of North Carolina during the period. In the legislature of 1827-28 resolutions were passed to inquire into the expediency of encouraging the growth of wool and of establishing cotton and woolen factories. The report of the committee to which the resolutions were referred declared that "a crisis is at hand, when our citizens must turn a portion of their labour and enterprise into the other channels of industry; otherwise, poverty and ruin will fall to every class in our community. * * * The great fall in the prices of agricultural products has not only reduced the value of every species of property, but as a consequence, has in effect doubled the debts of individuals. * * * If the planter in North Carolina can barely afford to raise cotton at eight cents per pound, he must soon be driven from its culture

altogether, by farmers in the west, whose new rich lands enable them to produce it with less labour and expense." On the other hand, consumption of imported goods did not decline in proportion to the decline of agricultural values, so resulting in a depression of trade balances. The notes of North Carolina banks were sold at a discount in 1828 and the banks themselves were facing liquidation. "This creates a distress that impels thousands of our citizens to abandon their homes and their hopes in their native state, and seek relief abroad, where better prospects are opened to them. If, in transplanting themselves from their native soil, they better their condition, it is certain that their friends who remain behind are left in a worse condition."

The remedy suggested for the situation thus presented was an economic reform that would "enable us to buy less and sell more—that will enable us to supply within ourselves, our own wants and necessities. But how is this important revolution to be accomplished? We unhesitatingly answer, by introducing the Manufacturing System and fabricating at least to the extent of our own wants. We go further. Instead of sending off at great expense our raw material, convert it into fabrics at home, and in that state bring it into market. * * * But the profits arising from the process of converting the raw material are not the only advantages attending the system. Another is, that it will take from agriculture some of the surplus labor, and turn it into other pursuits. It will convert producers into consumers, and thus create at home, in the bosom of the community, good markets for the products of the farmer."[1]

Even before the legislative report pioneer factories had been started. As early as 1802 cotton spinning machines were reported at Fayetteville. The Schenck mill near Lincolnton had been in operation since 1813. In 1820 another factory was built at Rocky Mount, Edgecombe County, with approximately 2,000 spindles, in which negro labor was used until 1851. A smaller mill was built near Lincolnton in 1822. In

[1] Report on the establishment of cotton and woolen manufactures, etc., January 1, 1828.

1825 a cotton factory was erected at Fayetteville. In 1830 the Mount Hecla Mill at Greensboro was opened, and in 1837 Holt and Carrigan started another factory at Alamance Creek. Some years before 1840 Francis Fries and the Salem Manufacturing Co. were engaged in the manufacture of cotton goods. The census of 1840 listed twenty-five cotton mills located as follows: eight in Cumberland County, three in Orange, two in Randolph, and one each in Chatham, Caswell, Davie, Davidson, Edgecombe, Guilford, Lincoln, Montgomery, Rockingham, Richmond, Surry, and Stokes.

OLD ALAMANCE MILL, BURLINGTON, NORTH CAROLINA, AND ITS FOUNDER, EDWIN M. HOLT

The first colored cotton fabric in the South was woven in this mill. It was built in 1837. Today North Carolina leads all the states in number of cotton mills.

This nascent industrialism was the subject of comment by the press at home and abroad. Said the editor of the *Raleigh Register* in 1840: "The enterprise of the citizens of this state is rapidly enabling it to become independent of the North in almost every branch of manufacture. It has now more factories than were ten years ago in the whole South." In 1843 the editor of *Niles Register* declared that a "complete revolution in the trade of cotton yarns has been effected in North Carolina within a few years by the establishment of a

number of factories in that state. Prior to the year 1836, immense quantities of the article were imported into the state from the North. In that year a factory was established in Fayetteville; others were soon after established throughout the state; and now, instead of drawing their supplies from abroad, large quantities are now exported. In Fayetteville, there are six factories which cost about $347,000. Three of these manufacture brown sheetings; the fourth has just commenced to weave heavy Osnaburgs, weighing a half pound to the yard; the other two make yarns only. Sheetings, shirtings, and bagging manufacture there have acquired a reputation second to none." The manufacturing revival was not limited to cotton. Three woolen mills were established, two in Davie, and one in Stokes. Distilleries supplying the wholesale trade were numerous, 2,802 reported in 1840 producing over 1,000,000 gallons of liquor. Tanneries and lumber mills were also productive. The following table represents the general progress of manufacturing from 1840 to 1860:

Year	No. Establishments	Capital	Products
1840		$3,838,900*	$ 3,571,321
1850	2,663	7,456,860	9,111,050
1860	3,689	9,693,703	16,678,698

Leading Industries in 1860

Name of Industry	No. Establishments	Capital	Products
Cotton Goods.....	39	$1,272,750	$1,046,047
Flour and Meal Mills	639	1,719,823	4,354,309
Distilled Turpentine.	461	1,113,778	4,358,878
Crude Turpentine....	1,065	939,448	952,542
Tobacco	97	646,730	1,117,099
Lumber, sawed	330	742,420	1,074,003

* Incomplete, for liquors not included.

Concerning management, labor, and other important problems of industry, little is known. Most of the factories were owned and operated by private manufacturers, while in South Carolina and in Georgia the corporate type dominated. The average profits in 1845 were reported to be 14 per cent. Labor was cheap—about 50 cents a day—and this was one of the in-

ducements to capitalists mentioned in the legislative report of 1828. It was also held that negro labor proved more efficient and less costly than white labor in New England. Mr. Donaldson, owning a cotton mill at Fayetteville, was quoted as holding that negro labor was "not only equal to whites in aptness to learn and skill to execute, but, all things considered, he actually prefers them." Mr. Donaldson further stated that he had had several superintendents from the North, and all of them, with the exception of one, decidedly preferred black help, as they called it, to white. "With the black there is no turning out for wages, and no time lost in visiting musters and other public exhibitions." In spite of these advantages negro labor was rarely used. Yet the task of recruiting white laborers was not an easy one. The operators came mainly from the farms; they were individualists, seeking better economic advantages, and hoping some day to rise to the planter class. Their residence at the mills was not always permanent, and they were liable to become restless under the supervision of the mill bosses. Gradually a class of permanent workers was built up who were willing to adopt mill labor as a life occupation. In 1850 the average annual wage was $163.

Extending through the periods of domestic manufactures and the nascent factory system was the lumber and naval stores industry. The exploitation of the long leaf pine region along the coast began in the eighteenth century. Tar, pitch, and turpentine, produced by the same methods used by the ancient Greeks, were shipped to England principally through Norfolk and Wilmington. "The crude turpentine was brought down the rivers on rafts and small boats from as high as Edgecombe county to Washington, from Wayne to Newbern, and from all northern tributaries of the Cape Fear river to Wilmington, and was distilled in crude iron stills partly at the shipping points, partly in Philadelphia and New York, and much also went to England to be there distilled. The spirits of turpentine usually found quick sales and good prices except when over-production took place, and was preferred in France even to the Bordeaux turpentine, which was made in the department of the Landes in Gascony,

being less odorous and more uniform in quality than that. The rosin manufactured was worth very little, getting down as low as 25 cents a barrel and then so low it would not pay to handle it. The tar and pitch manufactured at first gave general satisfaction and were made in large quantities."[2] Gradually the industry declined in the northeastern counties and was concentrated in those of the southeast. By 1800 Wilmington was one of the largest shipping points in the world for turpentine and tar, the amount of crude turpentine shipped in 1804 being 77,000 barrels.

As the forests of the coastal region were exhausted, the industry moved inland. By 1844 Fayetteville had a turpentine distillery to which was shipped the crude turpentine produced in Harnett, Cumberland, Chatham and Moore counties. In spite of the extension of the industry into states further south, North Carolina in 1860 was the source of 70 per cent of all the turpentine produced in the United States.

Lumber was another product. Wilmington in the eighteenth century made shipments to the West Indies, and from the Albemarle section staves were exported in quantity. After 1840 the business declined, due to the exhaustion of the forests of the coastal region; thereafter production was mainly for home consumption.

With the opening of the nineteenth century began the exploitation of mineral resources. Gold deposits were disclosed in three regions; in Franklin County, to a greater degree in the central piedmont plateau, and also along the foot of the Blue Ridge. According to tradition the metal was first mined in the present boundaries of Gaston County prior to the Revolution, while the Cherokee Indians are said to have found gold in the mountain region long before their removal from the state. The first recorded discovery of gold was in Mecklenburg County in 1799 by Conrad Reed. From 1804 to 1827 North Carolina mines were the source of all the gold produced in the United States. Yet the area of production before 1825 was not extensive; Olmsted declared that

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[2] Ashe, The Forests, Forest Lands and Forest Products of Eastern North Carolina, p. 74.

the gold area was approximately 1,000 square miles, including the greater part of Montgomery, the northern part of Anson, the northeastern corner of Mecklenburg, western Cabarrus, and a corner of Rowan and Randolph counties. After 1825 a much larger area was mined, for Doctor Emmons in 1856 also enumerated mines in Davidson, Burke, Union, Stanly, Catawba, and Guilford counties. Down to 1838 the amount of North Carolina gold coined in the United States mint amounted to $2,891,792. A large amount of the metal was also used in the jeweler's trade and was even shipped to Europe. Wrote the geologist Rothe in 1826: "It is well known that but a small portion of the gold found at these mines goes to the mint. The silversmiths of every portion of the country, north and south, purchase it up to be wrought into jewelry and plate of all descriptions. It is preferred by them on many accounts to gold coin and consequently they give a better price than the mint."[3] But the drain of labor to the Southwest and the discovery of gold in California caused a decline in the industry in North Carolina. Overcapitalization, speculation, and wasteful methods of mining also characterized gold industry; yet the first use of the hydraulic process in the South, probably in the nation, was at the mines of W. H. Vandyke in Burke County, about 1850. The conversion of bullion into coin was a difficulty on account of the long distance to Philadelphia. Hence in 1831 Christian Bechtler, a German jeweller living near Rutherfordton, began to coin gold into one, two and one-half, and five dollar pieces. In the nine years from 1831 to 1840 he coined $2,241,840.50. As this was a violation of federal authority the United States Government made an investigation, but finding that the Bechtler coins were heavier than those made by the federal mint, and realizing the need of specie in the piedmont section, there was no prosecution and the Bechtler mint remained in operation until 1857. In 1835 Congress authorized the establishment of a Government Mint at Charlotte, which began operation in 1837.

Iron was also discovered and mined. Deposits were found

[3] American Journal of Science, 1828.

Die Used by Bechtler, also $2.50 Gold Piece Coined by Bechtler

in the bog lands of the east and also in three belts, one in Chatham County, a second extending through Montgomery and Guilford to the Virginia line, and the third in Lincoln and Gaston counties. As early as 1729 small shipments were sent to England from the bog ore deposits. As immigration moved into the piedmont region, production increased; forges were erected along the Cape Fear, the Deep, and the Yadkin rivers. The Revolution stimulated production and during the conflict forges were built in Guilford (Franklin Furnace), Cleveland (near King's Mountain), Lincoln (Union Forge), and Stokes (Snow Creek). After 1800 the iron industry increased and in 1859 there were in operation forty-nine bloomeries and six charcoal furnaces. However, production was for the home market, and when railway transportation developed competition with larger fields elsewhere caused a decline rather than an expansion of the industry.

Coal, the handmaid of iron, was also disclosed in two localities; along Deep River, principally in Moore and Chatham counties, and along the Dan River region in Rockingham and Stokes counties. Mines were opened as early as the Revolution but there was practically no attempt at exploitation of the coal deposits until the decade prior to 1860. Then an investigation of Doctor Emmons, state geologist, and reports by Colonel T. T. S. Laidley and Captain Charles Wilkes on behalf of the United States Government attracted wide attention. The coal of the Egypt mines in Chatham County was declared equal to the best New Castle coal, excellent for the manufacture of gas, and less expensively mined than the coal of Pennsylvania. Considerable capital was invested. A railroad was projected from Fayetteville to the coal fields of Chatham, others from the coal region to Raleigh and to the South Carolina line, and from the Dan River region to the Raleigh and Gaston and to Greensboro.

Other minerals were also disclosed. About 1830 silver ore was mined, principally in Davidson County. There the Washington Mine or King's Mine, later the Silver Hill, Conrad Hill, Peters Mine, Cross Mine, and the Emmons Mine, also Ward's Mine in Davie and McMackin's in Cabarrus, were all widely known and attracted considerable capital,

especially in the decade from 1850 to 1860. But the lack of improved machinery and the presence of other minerals kept silver mining from becoming profitable. Lead was also found, especially in the neighborhood of silver ore, notably in Davidson County; likewise zinc. Soapstone was mined in Chatham, copper in Guilford and Randolph. Experiments with graphite were made in Wake and Lincoln counties. Corundum was noted as early as 1846. A few diamonds were discovered before 1860 but no systematic search for gems was made until after 1865.

An important phase of the prosperity between 1850 and 1860 was the improvement in transportation facilities. The first two railroads, the Wilmington and Raleigh and the Raleigh and Gaston, not only served the public, but paid dividends after 1850. The construction of the North Carolina Railroad stimulated the popular imagination and it also enjoyed a large patronage. In fact a new wave of agitation for state aid to further improvement of transportation began about 1852. The people of the mountain counties clamored for rail communication with the piedmont and the east. Since the Raleigh and Gaston and the Wilmington and Raleigh railways fed the Virginia markets and the North Carolina Railroad, through its terminus at Charlotte, fed the markets of South Carolina, the old argument for a great home-market city was revived. Such a market, it was argued, should be built up at Beaufort, which was reported to have the best harbor between Norfolk and Charleston. There imports from Europe would be received, so cutting off the profits of Norfolk and the Northern merchants, and also the products of the state would be exported to Europe direct. Fayetteville and Wilmington also demanded consideration; the former a connection with the coal and iron counties, the latter aid in meeting the competition of the markets of upper South Carolina. Likewise the people of the tobacco belt along the Virginia line, the planters of the Albemarle region, and the large cotton producing counties of the middle east demanded better transportation. Neither political party dared obstruct the movement, for both whigs and democrats were bidding for support over the issues of manhood suffrage and a constitu-

tional convention. Moreover a state-wide system of internal improvements fitted in well with the rising tide of sectionalism. Said Governor Reid in his inaugural address of 1854: "There never was a time when there existed a stronger necessity for self reliance. The North during the last twenty-five years in the way of protection and other unjust taxation, has extorted from North Carolina more money than would have been required to improve all our rivers and construct all our railroads. The farmer and other classes need cheap transportation and convenient markets where they can carry their property with safety. They need commercial and manufacturing towns and cities at home, with shipping to do their own importing and exporting, without continuing longer to pay tribute to the North."

The scheme of paramount importance was for eastern and western extensions of the North Carolina Railroad, the former to connect Goldsboro with Beaufort, the latter Salisbury with the mountain region. If this were carried through the dream of Joseph Caldwell, a generation before, for an all-state route from the mountains to the sea would be realized. In the legislature of 1852 bills for state aid to this and other projects were defeated: but two companies were chartered, the Atlantic and North Carolina and the Western; the former had an authorized capital of $900,000, the latter of $3,000,000. In the campaign of 1854 both political parties endorsed state aid to these enterprises. Consequently in the succeeding legislature not only the extension plans but a variety of other schemes were introduced as worthy of state aid. The Fayetteville interests favored connection of the west with the coast by a line from Beaufort via Warsaw, on the Wilmington and Raleigh, to Fayetteville, thence through the Deep River mineral region to Greensboro, on the North Carolina Railroad. The Wilmington influence demanded a road from Wilmington along the South Carolina line to the mountain region. The tobacco counties of the Dan River section asked for a road connecting them with the Raleigh and Gaston at Henderson. The North Carolina Railroad sought increased state aid, while the eastern interests demanded river improvement and a canal to the Chesapeake Bay. The response of

the legislature was liberal. The North Carolina road received a new subscription of $1,000,000 for preferred stock, the state thus coming into ownership of three-fourths of the entire stock, and the charter of the corporation was so amended as to give the state eight of the twelve directors. The plea of Fayetteville for connection with Beaufort and the west was of no avail; on the other hand, the capitalization of the Atlantic and North Carolina was increased to $1,600,000, the state subscribing two-thirds, no payment to fall due until the remaining one-third had been subscribed and at least $300,000 paid in, both state and private subscriptions to be advanced simultaneously in four installments. In return the state was to select eight of the twelve directors. For the western extension of the North Carolina road a new charter was given under the name Western North Carolina Railroad. The corporation was authorized to issue stock to the amount of $6,000,000, the state to subscribe for two-thirds; the construction of the road was to proceed by divisions, the eastern and the western, and the eastern division was to be completed before work on the western should begin. The state's subscription was to be met by the issue of bonds, for which a mortgage on the road was to be taken. The state was also to be represented by a proxy at the meetings of stock holders and was to appoint eight of the twelve directors. For the Wilmington interests, and as a stroke at the South Carolina market towns, the Wilmington, Charlotte, and Rutherfordton was chartered, with a capital of $2,000,000, the state to endorse $200,000 of its bonds for each unit of twenty-five miles completed. Evidently the North Carolina Railroad and the Wilmington and Raleigh interests dominated the railroad appropriations, for state aid was extended only to lines which would feed the existing roads.

The construction of these new lines raised unexpected problems. Under the charters towns and counties were allowed to make stock subscriptions. This aroused local opposition but the provisions were sustained by the Supreme Court. In the location of the eastern terminus of the Atlantic and North Carolina, there was division of opinion between the directors and the citizens of Beaufort; the re-

sult was that Carolina City and Sheppard's Point were chosen. Individual stockholders paid their subscriptions slowly and the Atlantic and North Carolina Company was forced to raise money by loans. In 1857 the state was appealed to, and further aid was given through a loan of $400,000 in the form of bonds, for which a mortgage on the road was taken; a sinking fund was also provided for from the road's income. The bonds were sold by the company at a loss of $114,269. However the road, ninety-five miles in length, was completed in January, 1858. It proved to be serviceable and profitable; its business in 1860 amounted to $100,000, its profit of $35,000 going into the sinking fund.

Greater difficulties and complications arose in the construction of the Western North Carolina. The first division, it was provided by the company, should extend from Salisbury to Burke County. But it was soon discovered that if the road passed through the town of Newton, as planned, the funds would be exhausted before Morganton was reached. Therefore Burke County subscribers refused to make good their subscriptions and the Newton subscribers protested against any discrimination against their town. By a compromise the legislature directed that the terminus of the eastern division be Morganton, that a branch line be constructed to Newton, and that extra subscription of stock be allowed by individuals and the state to meet the cost. By 1860 the road was completed and in operation to Morganton. In the meantime the question of a terminus for the western division had to be decided. One plan, also the cheapest, was to locate this at Paint Rock where connection would be made with the East Tennessee, Virginia and Georgia Railroad; the other was to build via Waynesville to Ducktown, so opening up a large section of mountain country and connecting at the latter point with the Georgia and Blue Ridge Railroad. Although the estimated cost from Asheville to Ducktown was $35,000,000, the latter plan was adopted, so providing for a through line of track from the Tennessee line to Beaufort. The question of the Paint Rock connection was left to the Greenville and French Broad Company, which planned a road from

South Carolina via Asheville down the French Broad River. Plans of construction on both lines were interrupted by war.

Construction of the Wilmington, Charlotte and Rutherfordton, to which state aid was given in 1854, was not speedy or satisfactory. The counties between Wilmington and the Pee Dee and those between Charlotte and Rutherfordton were enthusiastic; but the counties of the Pee Dee section feared that money subscribed by them would be used in the construction of other sections of the track. Hence the company decided to divide the construction into three sections, the first extending from Wilmington to the Pee Dee, the second from the Pee Dee to Charlotte, and the third from Charlotte to Rutherfordton. Construction was begun in 1857 and by the close of 1860 the line had been completed seventy miles west from Wilmington, and from Charlotte west to the Catawba River. But the Pee Dee counties were laggard; their subscriptions were not sufficient to carry on the work. The legislature was therefore appealed to and a loan of $966,000 was authorized, $660,000 to be used to finish the track east of Charlotte and $300,000 west, the security taken being bonds of the railroad. The plea of the directors of the road in asking for this aid contained a double appeal. The first was based on desire for economic independence from the South Carolina market towns. "Almost the entire line," they said, "has heretofore been and still is dependent upon the tender mercies of South Carolina for their transportation and their market, and this road will release them from burdensome exactions and unwilling vassalage. At Charlotte, at one single depot our citizens pay annually for transportation over $100,000 and this to Columbia alone, and $130,000 more will not cover the tax they pay to South Carolina roads to reach Charleston. Other contributions are levied on us at Cheraw, at Camden, Yorkville, Spartanburg, and Greenville. Why should our state thus contribute to enrich our southern neighbors? Why contribute to employ the laborers on their roads, to purchase their timber, and their fuel—pay their conductors, engineers, agents and employees—their draymen, their wharfmen, their commission merchants and add to her commerce on the ocean? Why should this dependence

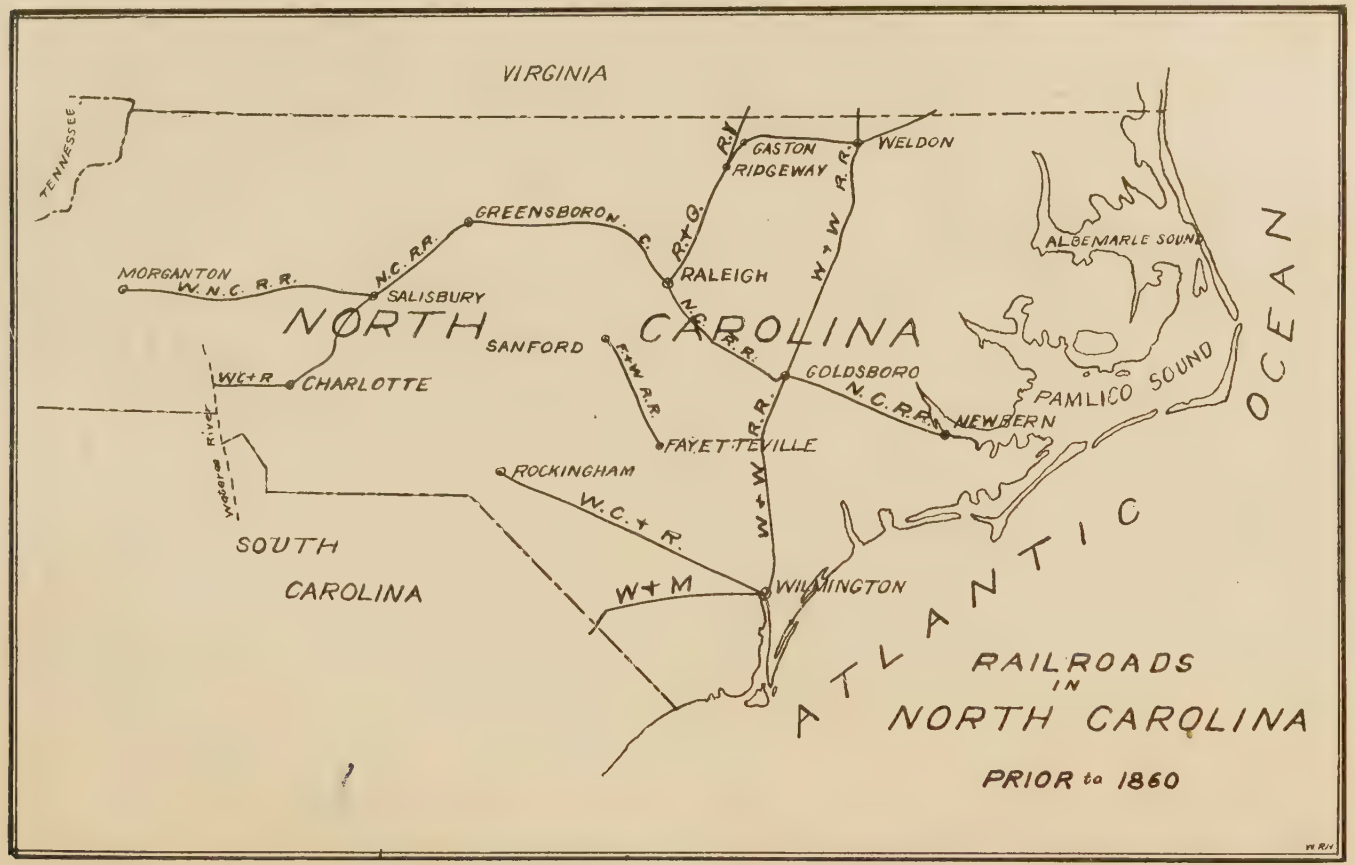
continue, only to be repaid by exactions and derision? Are we helpless, or are we indifferent to the wants of our household? Could we not, as a state, and should we not, transfer the employment now given to others, to those of our own state? Have we no labor that would be glad of employment, no fuel or timber to spare, no worthy young men for our employees, no commerce to foster and encourage?''

The other appeal was to the sectional struggle then brewing. ''Now that the Southern cloud, long portending revolution, is ready to burst with vehemence and tear up sovereignties to their foundation, shall it be said that the call of 200,000 of our citizens is unseasonable, when asking aid to dissever their past connections and secure to them the full benefits of their natural allegiance? * * * The storm now impending proclaims that they must be looked to, and no longer be permitted to wander into strange folds. We must all be one, and be all united in interest, in feeling, and commerce. Can Georgia coolly vote a million for muskets, and North Carolina hesitate to loan as much to reclaim, in the hour of peril, so large a portion of her people and her territory from dominion that in a month may be entirely foreign?—to reclaim her sons and her daughters, and bind them by indissoluble bonds into her own family?—to identify their interests, their feelings, and their sentiments with their own?—and to add to her own wealth, her strength and greatness, in case she must resume her sovereignty and take her stand amidst the nations of the earth?''

The Wilmington, Charlotte, and Rutherfordton, the Atlantic and North Carolina, and the Western North Carolina were the large undertakings during the decade from 1850 to 1860. But activity was not confined to these. A host of minor roads were chartered but not constructed. Some of these foreshadowed development of the post-bellum period. To connect Fayetteville and the coalfields of Chatham a private road was undertaken; this was rechartered as the Western Railroad and was loaned $200,000 by the state in 1858, for which a mortgage was taken. In 1860 it was authorized to build an extension to Greensboro, and in the same year the Wilmington and Weldon, formerly the Wilmington and

Raleigh, was authorized to build a branch from Wilmington to Fayetteville. Thus was initiated the present line from Greensboro to Wilmington, completed after the Civil War. Lines were also chartered to connect Greensboro and Leaksville, and High Point with Winston and Danbury, which are also suggestive of later development. Further west a road was chartered in 1856 to connect Lenoir with the Western North Carolina, realized later in the Carolina and North Western. East of Greensboro the University Railroad, to connect Chapel Hill with the North Carolina Railroad, was chartered in 1860. The same year the Chatham Railroad, to connect the coal fields with Raleigh, was incorporated and was given a state subscription of $200,000; while to reach the coal fields from South Carolina the Cheraw and Coalfields had been chartered in 1856. Thus was projecteed the present stem of the Seaboard Air Line south of Raleigh. Further east the Albemarle and Suffolk, to connect Suffolk, Virginia, with Edenton, and the Southern Air Line, to connect Washington and Wilmington, were chartered in 1856, very suggestive of the present Norfolk Southern. Among other roads chartered were the Williamston and Tarboro, the Greenville and Goldsboro, the Washington and Leaksville, the Warsaw and Fayetteville. Thus a network of railways connecting all sections and bringing the people into closer contact with markets and with one another was projected. The revival of railway activity after 1865 was a logical sequence of antebellum interests.

The railroad was not the only means of transportation prompted by individuals and aided by the state. The plank road was popular for a decade after 1848. It was constructed by laying three or four sleepers or stringers in parallel, close to the ground, and then covering them with boards three or four inches thick. Such a road was thought to be cheaper than "the road of iron," and was therefore introduced in certain sections where sufficient capital and state aid could not be secured for railways. Fayetteville was the most prominent terminus for plank roads. In 1848 the Fayetteville and Western Plank Road Company was incorporated to connect Fayetteville and Salisbury. It was capitalized at $200,000,


VIRGINIA
TENNESSEE
GASTON
RIDGEWAY
WELDON
R.R.
GREENSBORO
N. C. R.R.
R.R.
R. & G.
MORGANTON
W. N. C. R.R.
N.C. RR.
SALISBURY
RALEIGH
W. & W. R.R.
ALBEMARLE SOUND
NORTH
CAROLINA
SANFORD
N.C. R.R.
W. & R.
CHARLOTTE
F. & W. R.R.
GOLDSBORO
N.C.R.R.
PAMLICO SOUND
OCEAN
NEWBERN
FAYETTEVILLE
ROCKINGHAM
W. & W. R.R.
W.C. & R.
SOUTH
CAROLINA
W. & M.
WILMINGTON
ATLANTIC
RAILROADS
IN
NORTH CAROLINA
PRIOR to 1860

with authority to increase to $300,000, and the state subscribed three-fifths. Two years later the Fayetteville and Centre Plank Road was chartered to extend from Fayetteville to Stanly County and the state in 1854 extended aid by a bond issue of $50,000; likewise the Fayetteville and Warsaw, to bring Fayetteville in touch with Warsaw, on the Wilmington and Weldon Railroad, and the Fayetteville and Northern to connect Fayetteville and Raleigh were chartered in 1854, the former receiving state aid to the amount of $10,000. Evidently it was anticipated that plank roads would bring to Fayetteville a volume of business that railways brought elsewhere. In fact the possibilities of the plank road made a wide appeal. Practically every town with a large population and ambitious trade hoped to become a terminus for one or more of these lines. Charlotte, Salisbury, Asheville, Wilmington, Oxford, and Concord were termini of roads incorporated in 1850, and in 1852 more than a score of new lines were chartered. Concerning the construction and service of these roads, little is known. The Fayetteville and Western was built from Fayetteville through Carthage, Ashboro, thence to High Point and Winston, instead of to Salisbury, and the state stock amounted to $120,000. The state also subscribed $30,000 to the stock of the Fayetteville and Albemarle. Dividends were paid for a few years by the Fayetteville and Western and then the profits declined.

Contemporary with the construction of the later railroads and the plank road movement came a revival of the early schemes for canal and river navigation. In 1848 a subscription of $25,000 was made to the stock of the Tar River Navigation Company, and an additional subscription of $15,000 was later made in 1854. In 1848, also, $40,000 were subscribed to the Neuse River Navigation Company, to which an additional subscription of $80,000 was added in 1852. In 1854 the Yadkin Navigation Company was granted aid to the amount of $5,000. In 1854 $20,000 were subscribed to the New River Navigation Company. These appropriations, like those before 1830, were practically fruitless. The improvement of the Tar River was undertaken without proper understanding of the difficulties, and with no fixed determination to finish the

work. By 1858 the Neuse Navigation Company was insolvent, but the Cape Fear and Deep River Company to which $300,000 were subscribed, a mortgage being taken, did succeed in making navigable the Cape Fear from Fayetteville to the coal region of Chatham County; west of the coal fields, nothing was accomplished; in 1858, to protect its interest, the state purchased the property and the company under a foreclosure sale.

A new venture was the construction of the Albemarle and Chesapeake Canal, to connect the extreme northeastern counties with Suffolk, Virginia. As early as 1807 such a work had been a part of Gallatin's plans for inland water ways. In 1854 the legislature chartered a corporation to undertake the canal and authorized the endorsement of its bonds to the extent of $250,000. In 1856, the bonds not having been sold, the endorsement was withdrawn, and an immediate subscription of $250,000 to the stock was ordered, to be followed by another subscription of $100,000 when navigation should be opened the entire length of the canal. This was accomplished by 1859, and the additional subscription was paid in. The route of the canal was from North River, a tributary of Albemarle Sound, to Currituck Sound, thence up the North Landing River, thence westwardly through an excavated channel to Elizabeth River in the vicinity of Norfolk.

Evidently by 1860 the state was facing an economic transformation. Agriculture was still the leading occupation but better methods and increased production were an actuality. Manufacturing and mining were close competitors for new thought and effort. Railroads, plankroads and canals were bringing the people into better communication with markets, and the various sections of the state into closer contact. Industrially a new sense of statehood was at hand, which coincided with the new sense of social values revealed in the common school system and the asylums.

CHAPTER XVIII

ACADEMIES AND HIGHER EDUCATION

Between 1783 and 1860 intellectual life in North Carolina underwent a transformation as notable as the changes in political and economic organization. Its manifestations are found in the rise of private schools and colleges, the expansion of the press, the foundation of professional societies, the genesis of literature, and the advent of a certain pride in the possibilities of life in North Carolina.

The real index of educational interest was not the public school but the academy. The collapse of the restrictions on the incorporation of schools, maintained by the British Government during the colonial period, was followed by the grant of charters to academies by the legislature. In 1777 the noted Queen's Museum was incorporated as Liberty Hall Academy; in 1779 Science Hall at Hillsboro and Granville Hall in Granville County received charters; likewise Smith Academy at Edenton in 1782. With the return of peace in 1783 incorporation of academies increased, the number chartered from then until 1860 being 321. Practically every county in the state had one or more of these institutions. Their location and dates of incorporation by counties were as follows:

County	No. of Academies	Years of Incorporation
Alamance	1	1850
Anson	10	1791, 1800, 1802, 1821, 1822, 1822, 1829, 1833, 1842, 1854
Ashe	1	1860
Beaufort	6	1808, 1822, 1829, 1830, 1831, 1860
Bertie	8	1806, 1807, 1823, 1825, 1832, 1850, 1850, 1850
Bladen	3	1797, 1810, 1850
Brunswick	1	1798

County	No. of Academies	Years of Incorporation
Buncombe	3	1805, 1818, 1834
Burke	3	1783, 1828, 1858
Cabarrus	2	1810, 1812
Camden	3	1810, 1819, 1830
Carteret	4	1807, 1810, 1823, 1842
Caswell	4	1802, 1805, 1818, 1847
Chatham	8	1786, 1797, 1817, 1818, 1831, 1832, 1833, 1854
Cherokee	1	1858
Chowan	2	1800, 1833
Cleveland	2	1848, 1848
Craven	2	1798, 1812
Cumberland	10	1799, 1809, 1830, 1831, 1831, 1832, 1832, 1847, 1854, 1854
Currituck	2	1789, 1835
Davidson	5	1823, 1825, 1833, 1854, 1854
Davie	1	1826
Duplin	8	1785, 1801, 1813, 1814, 1825, 1828, 1834, 1842
Edgecombe	15	1793, 1813, 1822, 1823, 1823, 1824, 1824, 1825, 1826, 1827, 1830, 1835, 1842, 1847, 1850
Franklin	10	1786, 1802, 1814, 1821, 1842, 1847, 1847, 1847, 1850, 1854
Gaston	1	1848
Gates	3	1820, 1832, 1832
Granville	9	1799, 1810, 1811, 1813, 1835, 1842, 1854, 1860, 1860
Greene	5	1805, 1812, 1813, 1825, 1835
Guilford	8	1798, 1809, 1816, 1823, 1833, 1833, 1835, 1854
Halifax	7	1809, 1810, 1814, 1819, 1820, 1821, 1846
Haywood	2	1809, 1860
Hertford	6	1797, 1809, 1830, 1847, 1848, 1848
Hyde	1	1814
Iredell	7	1814, 1821, 1822, 1834, 1844, 1848, 1854
Johnston	3	1819, 1821, 1848
Jones	3	1807, 1818, 1854
Lenoir	6	1785, 1802, 1817, 1828, 1842, 1850
Lincoln	2	1813, 1821
Martin	3	1816, 1830, 1850
Mecklenburg	4	1811, 1821, 1821, 1834
Montgomery	4	1797, 1818, 1819, 1824
Moore	5	1799, 1805, 1809, 1811, 1833
Nash	6	1817, 1818, 1826, 1827, 1828, 1832
New Hanover	8	1783, 1804, 1833, 1834, 1847, 1850, 1850, 1854

County	No. of Academies	Years of Incorporation
Northampton	1	1833
Onslow	7	1783, 1783, 1791, 1809, 1810, 1824, 1850
Orange	10	1784, 1814, 1818, 1819, 1824, 1829, 1838, 1850, 1852, 1860
Pasquotank	4	1804, 1807, 1809, 1820
Perquimans	6	1806, 1816, 1817, 1820, 1830, 1831
Person	1	1833
Pitt	6	1786, 1814, 1830, 1830, 1831, 1848
Randolph	7	1798, 1824, 1828, 1838, 1842, 1850, 1854
Richmond	5	1788, 1789, 1804, 1809, 1829
Robeson	13	1793, 1793, 1806, 1808, 1812, 1819, 1823, 1826, 1831, 1833, 1848, 1848, 1850
Rockingham	4	1801, 1819, 1819, 1825
Rowan	4	1784, 1798, 1806, 1838
Rutherford	2	1806, 1838
Sampson	5	1821, 1825, 1827, 1834, 1850
Stokes	5	1809, 1824, 1832, 1833, 1834
Surry	2	1818, 1833
Tyrrel	2	1819, 1842
Wake	12	1801, 1818, 1824, 1826, 1827, 1829, 1830, 1832, 1833, 1848, 1854, 1854
Warren	5	1786, 1820, 1822, 1833, 1842
Washington (Tenn.)	1	1783
Washington	1	1810
Wayne	6	1810, 1813, 1818, 1832, 1846, 1848
Wilkes	3	1805, 1810, 1819

The academies, while varying one from another in detail, had certain general characteristics. In their curricula emphasis was placed on the classics, mathematics, and formal English. In addition "ornamental subjects" such as music, painting, and needlework were offered in the female departments, and sometimes in the male departments bookkeeping, natural philosophy, and astronomy. Some institutions went no further in their curricula than the modern high school; others, notably Newbern Academy, duplicated two years of college work and offered courses in logic and moral philosophy. Nearly every institution also required religious instruction based on compulsory church attendance, the Catechism, and textbooks on religion. In government and discipline the au-

thority of the trustees was strictly applied. They prescribed the curriculum, enacted rules of conduct for the students, defined the rights of the masters, conducted public examinations, and even administered discipline. Teachers were recruited from various sources; the clergy, especially those of the Presbyterian Church, furnished a large proportion; likewise the University. A common type was the roving master who rarely taught more than a few seasons at one place. Salaries varied from $400 to $1,000. Income was derived from tuition fees and, until prohibited by law in 1825, from lotteries. Lancastrian methods were employed in academies at Fayetteville, Raleigh, Newbern, and in Mecklenburg County, between 1814 and 1825.

Two variations from the academy were the military and the manual labor schools. The impetus for the former seems to have been the war spirit that pervaded the nation during the controversy of the United States with France and England between 1803 and 1812. In 1810 Archibald Murphy conducted schools for the training of the militia in Stokes and adjoining counties. Similar work was undertaken by Mr. Wren in Northampton and other eastern counties. Summer schools of military training were advertised during 1812 at Chapel Hill, Raleigh, and Louisburg. The first military academy was that of D. H. Bingham, a graduate of Partridge Military School, Connecticut, established at Williamsboro, Granville County, under the name of Southern Military School. It was later removed to Littleton, then Oxford, and finally to Raleigh, where it collapsed. Similar schools were also established at Fayetteville, Wilmington, and Raleigh before 1840. However the martial spirit in education was not so strong in North Carolina as in the neighboring states and the early military schools did not flourish. But in the last decade before 1860 the idea of military training received a new impetus. The North Carolina Military Academy at Charlotte was chartered in 1858 and the Hillsborough Military Academy in 1859; each had a curriculum higher than that of the average academy.

The manual labor school reflected the Pestalozzi-Fellenburg ideal, popularized in the United States by Theodore D. Weld. Its underlying theory was that mental training alone

made the student effeminate, undermined morals, and created a false sentiment that labor with the hands is degrading. A practical argument was the opportunity for the student to become self-supporting. The earliest type of this institution was established at Fayetteville. It was chartered in 1833 as the Donaldson Academy and Manual Labor School. A subscription of $14,000 was raised in the community and the school opened in 1834. The principal was Rev. Simeon Colton, a Presbyterian minister who had taught in a similar institution in Amherst, Massachusetts. After a few years the manual labor feature was abandoned. In 1833 the Greensborough Manual Labor School was chartered under the auspices of the Presbytery of Orange.

Manual labor was also a feature of the early days of Davidson and Wake Forest colleges. A description of student labor at the latter institution has been preserved in the following letter:

Brother Meredith.—Taking it for granted that you would be pleased to learn some of the particulars of our operations here, I have taken it upon myself to give you a brief detail of our internal movements, and I might say, external movements; for never was a set of fellows kept so constantly on the go. I will begin at the dawn of day, when the loud peals of the bell arouse us from our sweet repose. We are allowed about fifteen minutes to dress ourselves and wash, when the bell summons us to prayers. At this second sound of the bell, the whole plantation seems alive with moving bodies; a stream of students is seen pouring in from every direction—some, while on the way, adjusting the deficiencies of their dress, which they had not time fully to arrange while in their rooms—some with vests with wrong side out—some with eyes half open—and all in haste to reach the chapel in time to answer to their names. Prayers being over, just as the sun raises his head from behind the distant forest, the Virgil class to which I belong, commences recitation. Other classes are reciting at the same time. At half past seven, the bell rings for breakfast; a few minutes after which, study hour commences. Every one is now kept up at the top of his speed; some in recitation, and others preparing for recitation, until 12 o'clock, when the bell announces the dinner hour; and almost immediately after this we start at the same mental race. This is kept up through all the classes until three o'clock, when the bell rings long and loud for the toils of the field. While the bell is ringing the students assemble in the grove in front of the dwelling house;—some with axes, some with grubbing hoes, some with weeding hoes, and some empty handed, all in a thick crowd. You must now imagine that you see

Mr. Wait in one place, Mr. Armstrong in another, and Mr. Dockery in another. Mr. Dockery, though a student, frequently takes the lead of one company. Now the roll is called, when as their names are called off, the students take their appropriate stations around their respective leaders, axes with axes, hoes with hoes, and then we start, each one following his chief. Those with axes make for the woods, where they fell the sturdy oaks and divide them into rails; the grubbers take the field, and sweat with heavy blows over the roots and shrubs that have been encroaching upon their clear land. Those with weeding hoes find much variety in their employment; sometimes they cut down cornstalks, sometimes they take up leaves, and now you may see them in the barn yard piling up manure. We students engage in everything here, that an honest farmer is not ashamed to do. If we should draw back from anything that is called work, we should feel that we had disgraced ourselves.

Those who are empty handed make up the fences, and harden their shoulders under heavy rails. The fact is we are always busy—always ready for recitation and always ready for work. We are cheerful and happy—merry in a joke and hard to beat in a hearty laugh. We are sometimes tired when we quit work, but never so bad off that we cannot outstrip a common fellow when the supper bell rings. I am attached to the mauling corps and know but little about the other companies. Mr. Wait leads our company—when we reach the woods our coats are laid off, and we set to with a good will and hard blows. Our chief sets the example:

"Nec non Aeneas opera inter talia primus
Hortatur socios, paribusque ascingitur armis."

Blistered hands we consider here scars of honor, and we show them with as much pride as Marius exhibited his scars to the wondering multitude. That you may form some idea of our execution, I will state that two of our corps yesterday mauled one hundred and twenty-seven rails in two hours and a half, and that the fence corps, led on by Mr. Armstrong, in two evenings, made a fence and staked it near a half mile in length, and most of the rails were carried on the shoulders at least three hundred yards. You now see that we are not afraid of hard work. A little bell calls us from the field—we enter the chapel for prayers, and immediately after take supper. We now have about half an hour for amusement, when the bell again calls to study, etc.[1]

Neither at Wake Forest nor at Davidson did the manual labor plan meet expectations. The young men "felt that they had come to college rather to learn how to escape the dusty toil of the fields and not to have the chain of hard labor riveted on them. Their experience proved that three hours of rough

[1] Quoted from Coon; North Carolina Schools and Academies, p. 208. "Mr. Wait" was president of the institution.

farm work in the morning begot such fatigue and drowsiness as disqualified them for afternoon study, and the afternoon toil was even worse for their studies. Between faithful labor and hard study life became a burden, the temper soured and the freshness and elasticity of youth was crushed." Nor was the manual labor plan a success financially. At Wake Forest in 1835 the average earning of each student was $4.04. At Davidson "some of the students who professed skill in the use of tools were allowed to labor in mechanical pursuits, especially carpentry, while the remainder were divided into three grades, as to proficiency and strength, and two or more classes, as to time of labor on farm, garden, or clearings. The first or stronger grade was to receive a reduction of three dollars a month on board bills, and the second grade a reduction of two dollars and forty cents a month, while the feebler grade got a reduction of only one dollar and eighty cents per month, for three hours of labor a day." In 1840 the hours of labor were reduced from three to two a day, and the remuneration received a corresponding reduction. In 1841 still another change was made according to which each student was to receive an allottment of one half acre of ground, or more if he were ambitious in that line, to be cultivated at his own expense and discretion, but only in hours of recreation. It is not surprising therefore that the manual labor plan was abandoned at Wake Forest in 1838 and at Davidson in 1841.

Originality in education was not found in the academies or the common schools but in the University of North Carolina, the second state university to be chartered in the South and the first to open its doors. Its inception may be traced to the forty-first article of the state constitution of 1776, the last clause of which provided that "all useful learning shall be duly encouraged and promoted in one or more universities." No record exists as to the purpose or concept that inspired this statement. It may have been simply to guarantee the right of incorporation, denied by the Crown except to institutions dominated by the church of England, or it may have been to establish an institution supported by the state. Not until 1789 was any action taken. Then, largely through the efforts of William R. Davie, were incorporated the Trustees

of the University of North Carolina, with the right to choose their own successors. Their duty was to collect funds for the institution, select a president and faculty and to make laws and regulations for its government, provided such were not contrary to "the unalienable liberty of the citizens or the law of the state." The site of the institution was not to be within five miles of the seat of government or of any of the court towns, and the state treasurer was to hold all funds collected, on which six per cent interest was to be paid. As an inducement to benefactors, those contributing £10 were entitled to have one student educated free, and the public hall of the library and four of the colleges should be called by the names of one or another of the six persons who should within four years contribute the largest sums for the University. To the institution went the name of the state, but there was no appropriation except the schedule of arrears due from sheriffs and other officers prior to 1783, and also escheats. Among the original trustees were Samuel Johnston, James Iredell and Alfred Moore, the latter two soon to become judges of the Supreme Court of the United States; John Stokes, first Federal District Judge of North Carolina, and John Sitgreaves, his successor; four members of the Federal Convention, Williamson, Blount, Spaight, and Davie; the first three state judges, Spencer, Ashe, and John Williams; one clergyman, Rev. Samuel E. McCorkle; Willie Jones, the anti-federalist, and McClaine, his federalist opponent; Joseph Winston, the military hero; James Hogg, a wealthy merchant; and John Hay, the eminent lawyer.

Seven days after incorporation the trustees organized and then, and also at other meetings, proceeded to lay plans for the institution. Senator Hawkins and Doctor McCorkle were appointed to secure information regarding the administration of the colleges and universities in the United States. Lawyers were appointed in each judicial district to collect arrears, from which over $7,000 were realized. In 1791 the legislature was asked for a donation and after a powerful appeal by Davie, $10,000 were given—the only direct appropriation from the state treasury in the ante-bellum period. For a location various places were considered. Choice was finally fixed

on New Hope Chapel, the present Chapel Hill, because of its convenience, it being the meeting point of roads from the coast to the mountains and from Petersburg, Virginia, to the heart of the piedmont region. Another consideration in its favor was the donation of approximately 1,380 acres of land by twelve citizens of the vicinity. On October 12, 1793, the cornerstone of the first building (Old East) was laid and on January 15, 1795, the University was formally opened with one building and a president's residence, a faculty of one (Dr. David Ker) and no students. By the end of the academic year a tutor in mathematics had been added and there were forty-one students.

A notable feature of the early years was the curriculum. A plan of instruction adopted by the trustees in 1795 through the influence of Davie provided for professorships of moral and political philosophy (including history), rhetoric and belles lettres, natural philosophy and chemistry, as well as languages (Latin, Greek and English), and mathematics. Thus the natural and social sciences and literature were given an equality with the classics and mathematics. In fact a diploma, though not a degree, was offered those students who took the full course with the exception of the classics. The object of instruction was avowedly to make "citizens capable of comprehending, improving, and defending the principles of government, citizens, who from the highest possible impulse, a just sense of their own and the general happiness, would be induced to practice the duties of social morality." Later, after Davie left the state in 1805, there was a reaction toward the classics and only one diploma was offered, that which carried a degree, for which Latin and Greek were prerequisites; but never were these languages required through the entire four years of college work. Science vindicated its recognition—especially Geology in which Olmsted and Mitchell attained distinction. The ideal of public service overshadowed general culture prior to 1860. Among the alumni were one president of the United States (Polk), and one vice president (King), seven cabinet officers (Eaton, Branch, Mason, Graham, Dobbin, Thompson, and Badger), eight senators (Branch, Brown, Graham, Haywood, Mangum

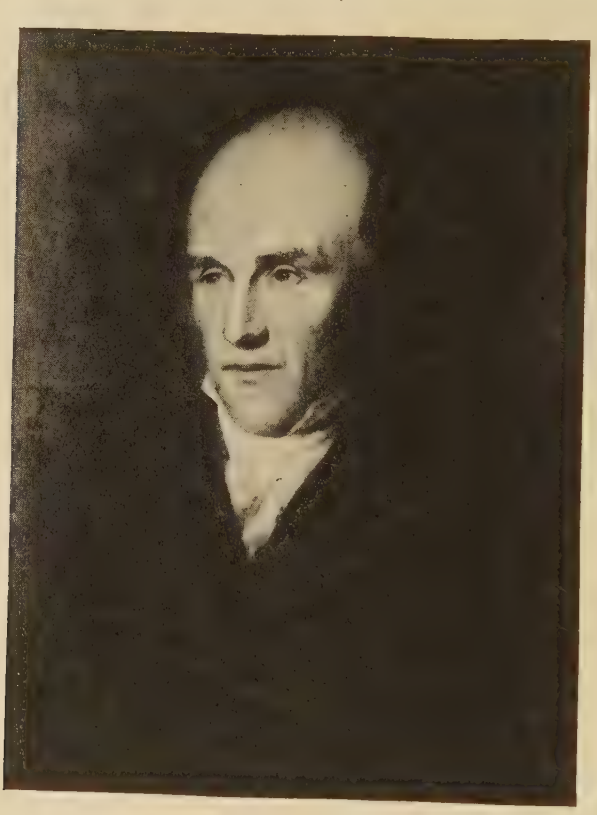
of North Carolina, and Nicholson of Tennessee, Benton of Missouri, and King of Alabama), forty-one members of the national House of Representatives, thirteen governors of North Carolina, three of Florida, two of Tennessee, one of Mississippi, and one of New Mexico, and numerous state judges and members of the state legislature.

Another characteristic of the institution was its relation to politics and religion. The prevalence of skepticism in the faculty and student body was as notable as the scarcity of ministers in the board of trustees, yet the teaching force was recruited largely from the Presbyterian clergy. Also, the public men most keenly interested in the institution were mainly federalists. Consequently the republican leaders frequently attacked it as a source of aristocracy and undemocratic ideals. It is not surprising, therefore, that the state was laggard in its financial support. Endowment which enabled the institution to exist was derived from arrears and escheats, from benefactions, notably that of Benjamin Smith, who gave warrants for 20,000 acres in Tennessee, and of Charles Gerard, who also left over 13,000 acres in Tennessee. The escheats, derived from the unclaimed warrants for military service, proved a godsend; through them the institution fell heir to over 100,000 acres west of the mountains, from which approximately $200,000 were realized.

Among the early presidents two stand out in pre-eminence, Joseph Caldwell and David L. Swain. The former during his administration (1804-1835) really perfected the organization of the institution, ably defended its right to exist, procured scientific equipment, secured the services of Olmsted and Mitchell, and as an advocate of public schools and internal improvements did much to ally the university with the forces of progress beyond its walls. Swain retired from politics to accept the presidency in 1835. He gave the institution greater popularity, emphasized the idea of service to the public by organizing the North Carolina Historical Society in 1843, establishing a department of law in 1845 and a chair of agricultural chemistry in 1854. By 1860 the enrollment of students reached 430 and the faculty numbered 18.

Around the University centered the first efforts for higher

education. By 1830 a second movement was under way, which resulted in the organization of denominational colleges. Its genesis is found in a number of conditions. On account of sectionalism and poor transportation the University did not reach all sections of the state. This was particularly true of



JOSEPH CALDWELL
President of the University

the region just east of the mountains and beyond. Hence in 1820, at a public meeting in Lincolnton, it was decided to establish a Western College "somewhere southwest of the Yadkin River" because "the more western counties of the state are distant from Chapel Hill, which renders it inconvenient for their youth to prosecute their education there." A charter was granted by the legislature in 1820. Subscriptions for

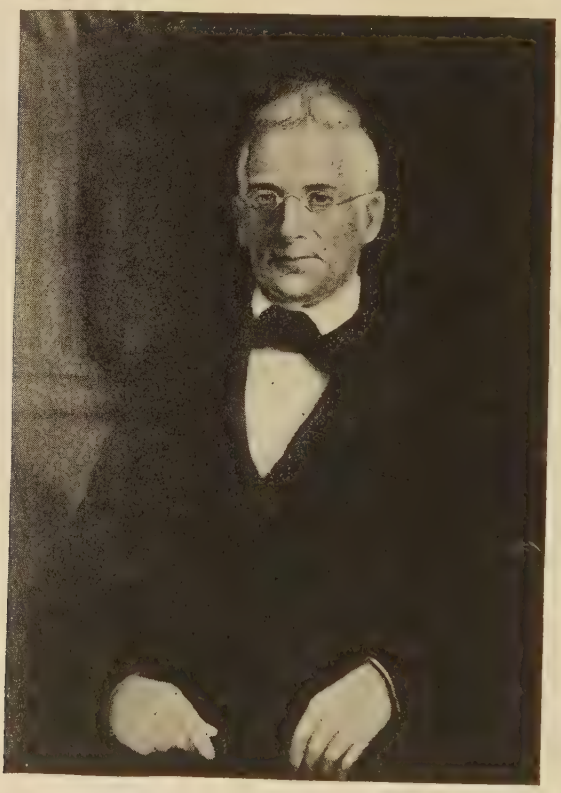
nearly $60,000 were taken, but when the trustees decided to build at Lincolnton they found it impossible to collect more than twenty per cent. Then in 1824 the trustees decided to locate the college in Mecklenburg County and released all subscribers from their obligations. With this action the history of the institution ends, for it was never organized.

There was also a feeling that higher education as it existed did not reach the masses, and that a new type of institution was needed which would directly influence economic conditions. Hence Robert Potter in January, 1827, introduced a bill in the legislature for a political college, to be located in Wake County, which the state should endow with $220,000. Its faculty should consist of a president and four professors, who should teach agriculture, the art of war, political economy, and morality. Its students, apportioned among the counties according to taxes, should be educated as apprentices at public expense for three years, and on completion of their college course should be assigned to such duties at the expense of the school as the trustees should require. Thus, it was hoped, the college and its alumni would improve agriculture, put a new spirit in the militia, and create a better type of citizenship. The bill failed, but it illustrates a conviction that not only more education but a new type of school was needed.

The most effective cause of the new movement for higher education was religion. Against the University there was much prejudice on account of alleged skepticism and free thought among its founders and early faculty. The great revival which swept the state from 1800 to 1811 was followed by smaller waves of evangelism. This deepened the religious consciousness; and it in turn created a demand for institutions sound in religious doctrine, in which candidates for the ministry and also the sons of religious people could be trained without danger of compromising their faith. Moreover the strongest organization through which people were bound to one another and could be reached was the church. It was therefore natural that the demand for more educational facilities should express itself through church organizations.

Leadership was taken by the Baptists. One phase of the

division in the denomination between 1821 and 1830 was the advisability of an educated ministry and the need of schools. At the first session of the Baptist State Convention in 1830 it was reported that an educational fund of $11,406 had been accumulated, and the convention authorized the instruction of



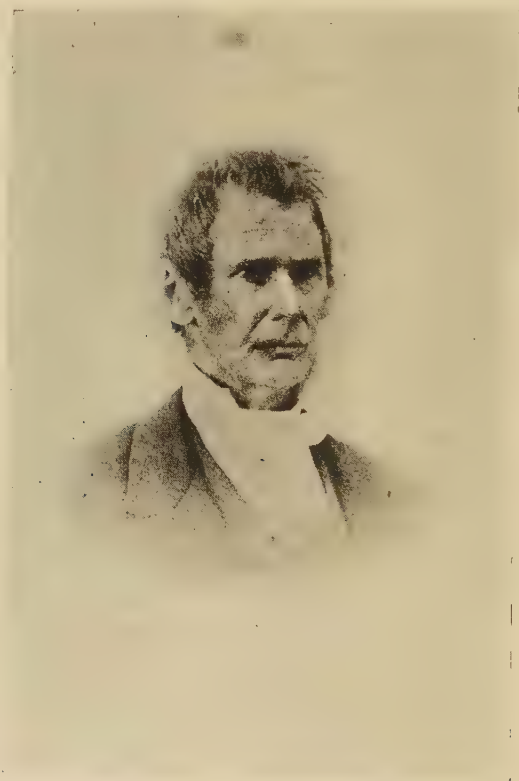
SAMUEL WAIT
First President, Wake Forest College

young men in private schools. At the second session a plan for a Baptist Literary Institute was adopted, to be located on the lands of Dr. Calvin Jones in Wake County, with a manual labor feature. Its purpose, according to the "Board of Managers," was to "enable young ministers to obtain an education at moderate terms, and to train up youth in general to a knowledge of science and practical Agriculture." To this end

each student was to labor with his hands three hours a day and furnish himself with "an axe and a hoe, a pair of sheets and a pair of towels." Thus were united the practical, the moral, and the intellectual. In 1833 application was made to the legislature for a charter. The bill for incorporation was introduced by Hon. William H. Battle. It met bitter opposition from the Primitive Baptists, led by Joshua Lawrence. There was also deep prejudice against the bill on the theory that the incorporation of trustees chosen by a religious body would violate that principle of the state constitution which forbade the establishment of one religious society in preference to another. On the same ground there was opposition to the Greensboro Manual Labor School, whose trustees in the original bill were to be elected by the Presbytery of Orange. Finally the charter was granted with the casting vote of the Speaker of the Senate, William D. Mosely. Singular features of the charter were its limitation to twenty years, the self-perpetuating board of trustees, the property restriction to $50,000, and the absence of any exemption of property held from taxation. The school was opened in February, 1834, with Dr. Samuel Wait as president and only teacher, and twenty-five students. The hall of instruction and dormitories were the carriage house and cabins of the Jones plantation. The following year an additional teacher was employed, also two tutors in 1836. In 1838 the school was reorganized, the faculty was increased, the manual labor plan was dropped, and a new charter under the name of Wake Forest College was secured, with power to confer degrees, to hold property to the value of $200,000, exempt from taxation; but the duration of the new charter was also limited, fifty years being the period. Most of the faculty were from the North, graduates of Brown University and Columbian College. In 1838, also, the first college building was completed. In 1841 a loan from the State Literary Fund was obtained. This debt and others were repaid during the presiding of Washington Manly Wingate, whose administration was begun in 1854 and lasted until 1879.

The Presbyterians were also alive to the need of a college. Certain ministers of the denomination had been interested in the attempt to establish a western college. That institu-

tion failing to materialize, a new effort was made based entirely on religious needs. In 1835 the Presbytery of Concord adopted the following resolution, submitted by Rev. Robert Hall Morrison: "Resolved, That this Presbytery, deeply impressed with the importance of securing the means of educa-



Robert Hall Morrison
First President, Davidson College

tion to young men, within our bounds, of hopeful piety and talents, preparatory to the gospel ministry, undertake (in humble reliance upon the blessing of God) the establishment of a Manual Labor School; and that a committee of the Presbytery be appointed to report at the next meeting of the Presbytery the best measures for its accomplishment and the most favorable places for its location." Overtures were made to the

Presbyteries of Morganton (N. C.) and Bethel (S. C.), which agreed to co-operate. Subscriptions amounting to $30,000 were taken. A farm of 496 acres in Mecklenburg County was purchased, and the school was named Davidson College in honor of General William L. Davidson, who lost his life at the battle of Cowan's Ford during the Revolution. Buildings were erected and the institution was opened in March 1837, with a president, Rev. Robert Hall Morrison, one professor, and a tutor. The manual labor feature, as previously noted, was not successful and was abandoned in 1841.

The institution had three characteristics of note. One was its relation to the Presbyterian Church. According to its charter, granted by the legislature in December 1835, the trustees were chosen from the presbyteries supporting the college. By the constitution of the college the trustees must be "members in full communion of the Presbyterian Church" and the teachers were required to take the following vow: "I do sincerely believe the scriptures of the Old and New Testament to be the word of God, the only infallible rule of faith and practice. I do sincerely adopt the Confession of Faith of the Presbyterian Church of the United States of America, as faithfully exhibiting the doctrines taught in the Holy Scripture. * * * I do solemnly engage not to teach anything that is opposed to any doctrine contained in the Confession of Faith, nor to oppose any of the fundamental principles of the Presbyterian Church Government, while I continue a teacher or professor of this Institution."

No less interesting were the finances of the college. In order to raise funds four hundred scholarships of $100 each were offered for sale, each entitling the purchaser to tuition for twenty years. Thus 8,000 years of tuition were offered for $40,000. While some immediate financial relief was secured, the scholarships in the long run proved a liability; they were farmed out by the purchasers, thus depriving the college of tuition fees. Greater assistance than scholarships was the legacy of Maxwell Chambers in 1854, amounting to $250,000. As the charter of the college limited its holdings to $200,000, the excess was not received but went to the next of kin. This

was the largest benefaction to any college in the state prior to 1860 and placed Davidson on a sound financial basis.

Finally, the work of the college was notable for its emphasis on the classics and mathematics. Little heed was given to the current demands for educational reform, the intellectual outlook was conservative, and for this reason the number of students did not increase with the increase of resources.

Last of the more important denominational colleges to be established was Trinity. As Methodism in North Carolina had its origin in a wave of evangelism which rose in Virginia, the churches in the state were not grouped into a separate administrative unit until 1838, when the North Carolina Conference was organized. Long after that date many churches within the bounds of the state were under the jurisdiction of the Virginia, the South Carolina, and the Holston conferences. Educational ties were with Randolph-Macon College of Virginia. But in the academy movement Methodist impulses were prominent. One institution of lasting importance was Union Institute in Randolph County. It was organized in 1838 by Reverend Brantley York, a peripatetic teacher and a local minister of the Methodist Church. In 1842 his place was taken by Braxton Craven, also a local minister of the same church, under whose leadership the institution in 1851 was rechartered as Normal College, with the purpose of preparing teachers for the common schools. The college was permitted to license teachers. In 1852 the privilege of granting degrees was conferred, the governor of North Carolina became *ex officio* president of the Board of Trustees, the superintendent of common schools *ex officio* its secretary, and a loan of $10,000 from the Literary Fund was also authorized. As a training school for teachers the institution did not prosper; teaching was not really a profession, many teachers left before completing the course, and Calvin H. Wiley, the superintendent of common schools, favored institutes in each county rather than normal schools as the best means of teacher training. Hence in 1856 the curriculum was refashioned into that of a college of arts. For moral and financial support President Craven turned to the North Carolina Conference and in 1856 formal relations between that body and Randolph-Macon

were severed and an agreement was made with Normal College by which its trustees should be elected by the Conference, subject to the approval of the Board of Trustees, a visiting committee should be appointed by the Conference, and the trustees should raise $20,000 for the college with the approval of the

Braxton Craven
First President, Trinity College

Conference. In 1859 the institution was rechartered as Trinity College, all relations with the state being severed. Thus within twenty years an academy expanded first into a college for teachers, then into an institution of liberal arts allied with the Methodist Church. In 1860 there were a faculty of six and an enrollment of 194.

Such were the origins of the larger male colleges. Three

others were chartered before 1860; Floral College at Maxton, in 1847, under Presbyterian influence; Catawba College at Newton, in 1851, under the auspices of the Reformed Classis of North Carolina; and North Carolina College at Mount Pleasant, projected by the Lutheran Synod in 1859.

Increasing interest in education was also manifested in the foundation of institutions for women; some were academies, others took the name of institute, nine assumed the name of

Salem Female Academy

college. The oldest was Salem Female Academy, organized in 1802 by the Moravians. Greensboro Female College was the second institution for women chartered as a college in the South (1836), but instruction was not begun until 1846. Saint Mary's School, founded by Rev. Aldert Smedes in 1842, was widely patronized by the Episcopalians. The Baptists, through the Chowan and Portsmouth associations, established Chowan Baptist Female Institute in 1848 and the Baptist State Convention was sponsor for Oxford Female College, established in 1851. The Presbytery of Concord established Statesville Female College in 1857. Private schools for

young women attracted considerable capital and enterprise; every section of the state and many of the larger towns had one or more seminaries or female colleges; Greensboro two (including Greensboro Female College), Warrenton two, Murfreesboro two, and Charlotte, Raleigh, Oxford, Asheville and Goldsboro, each had one. Governor Ellis in 1860 made the following survey of the increase of denominational and private institutions:

	1840	1860
Number of Male Colleges	3	6
Number of Female Colleges[1].....	1	13
Students in Male Colleges.....	158	900
Students in Female Colleges.....	125	1,500

Thus, principally between 1830 and 1860, the outlook for higher education underwent distinct improvement, while the number of academies increased rather than diminished with the advent of common schools.

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[1] Apparently he included seminaries, academies, and other institutions for women.

CHAPTER XIX

THE PRESS, LITERATURE, PROFESSIONAL AND MORAL ORGANIZATIONS

The general awakening in matters social and economic was accompanied by an expansion of the press. In it there are two distinct periods for which the year 1820 may be taken for the dividing line.

At the close of the Revolution there was no newspaper in the state, all publications having collapsed in 1778. But in August 1783, Robert Keith, an immigrant from Pennsylvania, issued at Newbern the first number of the *North Carolina Gazette or Impartial Intelligencer and Weekly Advertiser.* About 1793 he was succeeded by Francis Xavier Martin, a French refugee, more widely known for his "History of North Carolina" and his compilations of statute law. The paper is said to have been printed at irregular intervals, when news enough to fill it or make it interesting had reached Newbern. In default of modern methods of distribution, he filled his saddle bags with the numbers and peddled them about the country. In the meantime another immigrant, Abraham Hodge, of New York, established a press at Newbern; in 1785 he became state printer, an office which he held until 1800. In 1786 Hodge, in partnership with one Blanchard, established at Fayetteville the *State Gazette of North Carolina.* Henry Wills soon succeeded Blanchard and in 1788 the paper was removed to Edenton. Hodge proved to be a veritable promoter of newspapers. In 1793, with the co-operation of Wills, he established at Halifax the *North Carolina Journal.* In 1796 Hodge and his nephew, William Boylan, founded another paper, the *North Carolina Minerva and Fayetteville Gazette,* which in 1799 was removed to Raleigh and as the

Raleigh Minerva became the leading organ of the federalists. In the meantime another paper had been begun at Fayetteville in 1789, the *North Carolina Chronicle or Fayetteville Gazette;* it was printed by George Roulstone for John Sibley and Company, the price of subscription being three hard dollars per annum for fifty-two papers.

Wilmington also was a center of journalistic activities. There three papers were published before 1800: the *Wilmington Chronicle and North Carolina Weekly Advertiser,* Hall's *Wilmington Gazette,* and another whose title is not known. Nor were the western counties unresponsive to the desire for news. Early in 1786 the *North Carolina Gazette* was established at Hillsboro. The printer was Robert Ferguson, and the editor, Thomas Davis. At Salisbury the *North Carolina Mercury and Salisbury Advertiser* was established by Francis Cowpee, and near the opening of the nineteenth century a weekly paper whose title is unknown was issued at Lincolnton. With the exception of the *Minerva,* little is known of these early publications. Only partial files exist, and of some no copies are extant.

By far the most important of the early papers was the *Raleigh Register,* founded in 1799 as the organ of the republicans by Joseph Gales. As a collector of news and as an agency of propaganda, it outclassed all competitors for many years. Leading in the political revolt of 1800, it was conservative toward the later revolt in the 'twenties, and became the leading spokesman of the whig party. Publication was practically continuous from 1799 until the year 1885. In 1808 the *Raleigh Star* was begun by Dr. Calvin Jones and Thomas Henderson; the firm was succeeded by that of Bell and Lawrence, then by Bell and Lemay, and in 1835 Lemay became sole editor. In December, 1852, the paper was suspended, its last editor being W. C. Doub. In politics the *Star* was originally neutral, but was mildly whig in its later days. In 1810 the following papers were published in North Carolina: Federalist—the *Wilmington Gazette,* the *Raleigh Minerva, Carolina Federal Republican* (Newbern), *Edenton Gazette, Fayetteville Intelligencer;* Republican—*Raleigh Register, True*

Republican (Newbern), *Elizabeth City Gazette;* Neutral—the *Raleigh Star* and the *North Carolina Journal* (Halifax).

With the year 1820 a new epoch opens. There was profound and increasing discontent with the existing political organization, national and state. Discontent of the western counties with the system of representation was also intense. Here lay the opportunity for the foundation of new papers. Editorials and state affairs became more prominent. The early editors were chary in regard to state news, inclinations toward violent language were restrained, dignity and decorum characterized their editorial columns. But with the new period a new type of editorial appeared. It burned with conviction, broke the bounds of sedate constraint, and faced any situation uncompromisingly. The new note was struck by the *Western Carolinian.* It was founded by Samuel Bingham in 1820, and associated with him in the same year was Philo White of New York, who became sole editor in 1823. Constitutional reform, condemnation of the caucus, state as well as federal, the need of public schools, preference of Jackson over Crawford—these were the dominating features of the paper, which was published at Salisbury. When Mr. White left the state in 1830, the *Western Carolinian* was taken over by Burton Craig and H. Jefferson Jones, the former assuming entire control in 1831. Mr. Craig was a radical advocate of states' rights, an admirer of Calhoun, and approved of the nullification movement. To counteract this influence, Hamilton C. Jones in 1832 founded the *Carolina Watchman,* also published at Salisbury. There was a veritable war of words between the two papers. In 1833 Mr. Craig sold the *Western Carolinian* to John Beard, and thereafter little difference existed between the policies of the two papers. The *Western Carolinian* was suspended in 1844, but the *Carolina Watchman,* under the editorship of John Joseph Bruner, lived until recent years. Other papers active in the cause of social and political progress were the *Fayetteville Observer* and the *Greensboro Patriot.* The former was founded in 1817, and was edited from 1825 to 1865 by Edward J. Hale. It was widely respected for its sanity and its sense of public spirit. In politics it was whig. The *Patriot* was established in 1825

or 1826 by L. G. Watson and a Mr. Potter. In 1826 it was purchased by T. Early Strange, who invented the full title, "*Greensborough Patriot.*" From 1827 to 1835 the editor was William Swaim, a member of the North Carolina Manumission Society. Under various editors the paper survived until the recent past.

A majority of the newspapers were in politics whig. As an organ for the democrats Philo White, soon after his return to the state in 1834, established the *North Carolina Standard.* In 1836 he sold the paper to Thomas Loring, who in turn was followed in 1843 by William W. Holden, whose power as editor has never been surpassed in the state. Another democratic paper of importance was the *Free Press,* established by George Howard of Baltimore in 1824 at Halifax, and removed to Tarboro in 1826 where the name was changed to the *Tarborough Press.* In the west the *Charlotte Democrat,* edited in 1855 and after by William J. Yates, likewise supported democratic policies. There was a host of other journals after 1820, but those mentioned have a larger place in the political traditions of the state. The increase of newspapers is shown by statistics; in 1811 only 10 were listed; in 1851 there were 44; in 1858, 74.

In the use of the press religious interests were also active. In January, 1826, Reverend Robert Morrison, a Presbyterian minister, began the publication at Fayetteville of the *North Carolina Telegraph,* a general religious weekly, which was merged with the *Richmond Family Visitor* at the end of the year. In 1828 another Presbyterian minister, Reverend Colin McIver, established at Fayetteville the *Evangelical Museum,* a monthly journal of theology, and also the *Presbyterian Preacher.* The progressive element among the Baptists felt the need of a paper, and in 1832 the *Intelligencer* was established at Edenton by Reverend Thomas Meredith; the next year the name was changed to the *Biblical Recorder.* In 1835 the paper was removed to Newbern and in 1838 to Raleigh. Those Baptists opposed to change in the denominational organization found an ally in the *Primitive Baptist,* edited at Tarboro by Mark Bennett. In 1844 the *Christian Sun* was established at Hillsboro and became the spokesman for the

Christian Church. In 1855 the *North Carolina Christian Advocate* was founded as the organ for the Methodists, and in 1860 the *Church Intelligencer* was launched at Raleigh to cultivate the interests of the Episcopalians.

The years in which the press revived and expanded also marked the beginning of literature. The new epoch opened by the revolt against Great Britain aroused curiosity and patriotic interest concerning the past. Hence the historians led in the production of books. First in point of time was Hugh Williamson's "History of North Carolina," published in 1812. The author was a physician and a native of Pennsylvania, who resided at Edenton from the beginning of the Revolution to 1793, served as a surgeon in the army, and was also a member of the legislature, the Continental Congress, the Federal Convention, and the first Congress of the United States. In culture, outlook on life, and in experience he was far above the average of his contemporaries. In 1787 he contributed to the *American Museum* a series of papers entitled "Letters of Sylvius," which dealt with the ills of the currency, trade conditions, and the need of manufactures. For all historical development he believed there was a basis in nature, and therefore wrote a work comparing the climate of America with that of Europe. However, his two volumes pertaining to North Carolina from 1584 to 1786 displayed little understanding of the forces which moulded the early history of the state, but the style is clear and vigorous, the moral sense strong, the typographical work durable and artistic.

Of even less value than Williamson's work was Francis Xavier Martin's "History of North Carolina," published at New Orleans in 1829. The author was the French refugee and printer already mentioned, who lived at Newbern. He was admitted to the bar in 1789; law and the printing press opened to him an avenue to affluence and fame. In 1791 he published the first of a number of legal works, "The Office and Authority of the Justice of the Peace." The next year this was followed by his "Statutes of the Parliament of England Enforced in the Courts of North Carolina," an official collection authorized by the legislature, notable for its inaccuracies. To these must be added his "Private Acts of North

Carolina," likewise an official publication, and "Acts of the General Assembly of North Carolina, 1791-1794," independently printed. In 1797 he published his "Decisions of the Superior Courts of North Carolina," and in 1804 he also issued "Martin's Revisal of the Laws of North Carolina," an official publication. Other legal publications consisted of a treatise on the powers and duties of the sheriff, "Martin's Executor," and a translation of Pothier on "Obligations." From his press also came several novels—"Lord Rivers," "The Female Foundling," "Delaval," "Stephanie de Bourbon," and a "Rural Philosopher." In 1809 he removed to Louisiana, where he became successively superior court judge of the Territory of Mississippi and also of the Territory of Orleans, Attorney-General of the State of Louisiana, and a member of the Louisiana Supreme Court. It was while in Louisiana that he published his "History of North Carolina." It has the characteristic of his legal works—inaccuracy and a predilection for compilation. Many errors are inexcusable, unused evidence being available. Other mistakes were derived from tradition, and the two volumes as a whole are no more than annals, devoid of insight. Judge Martin also published a "History of Louisiana" and a number of legal works which have a valuable place in the bibliography of that state.

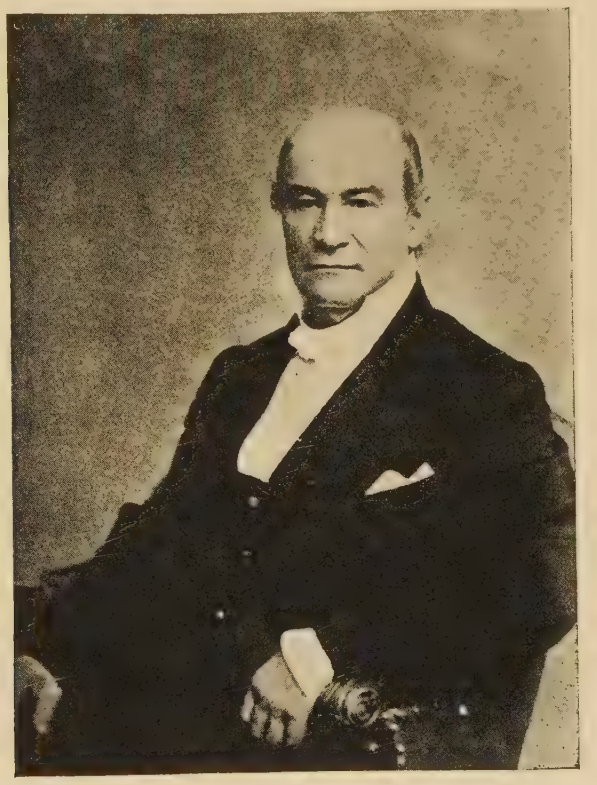
Nearly a generation passed before another history was published. Then in 1851 appeared John H. Wheeler's "Historical Sketches of North Carolina," the first history of the state by a native. It is a digest of information by a democratic politician. The first two parts of the book are a narrative of events and miscellaneous matters from 1584 to 1851; the second is a collection of sketches of the various counties, including short biographies of prominent men. Inaccuracy, blind prejudice in the matter of elimination and inclusion of men and facts, and a lack of unity in plan characterize the book, but it had an extensive sale and became the most widely known history of the state.

By far the best of the ante-bellum historians was Francis Lister Hawks. Trained for the law by Judge Gaston and at the celebrated school at Litchfield, Connecticut, and full of promise in the legal profession, he became a clergyman of the

Episcopal Church. In 1829 he removed to New Haven, Connecticut, and there began a long career in the priesthood, education, and literature, most of which was spent in the State of New York. He was an active member of the New York Historical Society, and achieved distinction as an antiquarian and historian of the Episcopal Church. But his *opus magnum* was a history of his native state, of which the first two volumes, ending with the proprietary period, were published in 1857 and 1858. His conception of history was broader than that of Williamson, Martin, and Wheeler, and also broader than that of contemporary historians generally, for it included economic, religious, and cultural, as well as political, development. Of the 591 pages in the second volume, 263 are given to these matters. For information he utilized the collections made by George Bancroft in England, as well as materials preserved by the State of North Carolina. His style was that of a literary artist, his first volume containing a story of Raleigh and Roanoke Island which is unsurpassed. However his work is marred by his prejudice in matters religious. Himself a devoted churchman, he failed to do justice to the religious motives and policies of the early settlers, but in his conception of history as a revelation of the social as well as the political life of man, and also in attractive presentation, his two volumes are still unsurpassed. The Civil War, and also his death in 1866, prevented the completion of the other two volumes which he planned.

Interest in the past was not confined to formal literary works. It also inspired the antiquarian and the collector. A notable service of Archibald Debow Murphey, who planned but never wrote an elaborate history, was to arouse interest in the collection and the preservation of historical sources. In 1827 the legislature requested the governor to apply to the British government for permission to procure copies of manuscripts in the office of the Board of Trade and Plantations. The application was made through the proper authorities and permission was granted; indeed, the British authorities forwarded an index of manuscripts. In 1843 the collection and copying of the governors' letter books and records of local committees in the period of the Revolution

was authorized; in 1847 another publication of records pertaining to the Revolution was likewise authorized, but was never carried out. In 1849 the governor was also authorized to procure from London such documents pertaining to the colonial and revolutionary history of the state, without re-



Francis Lister Hawks

striction as to expense. The execution of this notable work was entrusted to President Swain of the University; but he thought it wiser first to collect material in this country, and to that end he planned a thorough survey of American historical collections. In 1856 he secured the co-operation of Doctor Hawks, through whom George Bancroft offered free access to manuscripts transcribed by him in England. In 1858 Swain and Hawks memorialized the legislature for the

publication of a series of records and annotated statutes. In reply the legislature authorized its publication by Hawks and Swain of a "Documentary History of North Carolina, or of the Statutes at Large," in two volumes; the execution of the work was prevented by the outbreak of civil war. A generation later this scheme was revived and carried out under the title of "Colonial and State Records."

Historical interest found expression in other types of literature than formal histories. Joseph Sewell Jones, of Shocco, chose for his task an investigation of the Revolutionary history of the state, with the purpose of showing its leadership in the revolt against Great Britain. Thomas Jefferson's letter to John Adams, doubting the authenticity of the Mecklenburg Resolves of May 20, 1775, furnished the cue for a violent attack on Jefferson. Hence the title, "Defense of the Revolutionary History of North Carolina from the Aspersions of Mr. Jefferson." The introduction contained an arraignment of the character and influence of Mr. Jefferson, very suggestive of the political revolt against Virginia influence which started in the 'twenties.

> I yield no faith whatever to the contents of the four volumes of his (Jefferson's) writings. Private and political scandal, truth, religion, infidelity, federalism, republicanism and Jacobinism, are all conglomerated there,—as if the Sage of Monticello had devoted the whole evening of his life to the collection and endorsement of principles of every kind, from the purest tenet of religion to the most disgusting absurdity of the basest and most abandoned profligacy. And yet, dispute one word of the four volumes of this political Koran, or doubt, for a moment, the immaculate purity of the character of its author, and you have not only all the rabble of the celestial empire, but all the great Images of the Prophet, who have gone or are going into power, on the strength of his name, roaring out Aristocracy, Federalism, Nullification, or any other unpopular word, suited to sustain them in their places. It may be confidently asserted, that the whole range of history does not exhibit an instance of baser subserviency, not only of many, as individuals, but of the nation at large—than the over-powering influence of the mere name of Jefferson. Such is its amazing power, that no party of the present day aspires to popular favor through any other channel, and National Republican, as well as Jackson, Bucktail, and Anti-bucktail, all piously claim for their priesthood the purest legitimacy of descent. The people have placed him upon the throne of public opinion and the statue of Washington is burnt, broken, and scattered into fragments. It is time to

have done with this delusion. The lives of the eminent and patriotic, whose biographies have not been written, should be studied and examined with an especial view to correct the errors, conspicuous from one end to the other of "the writings of Jefferson." If the pen of their calumniator is to perform this task, and his works go down to posterity as truth, the patriots of our revolution will be ranked by posterity, not as American statesmen but as traitors to their country. The names of Washingon, Hamilton, Richard Henry Lee, Marshall, Story, Henry Lee, Bayard, and a host of others, comprising the talents civil and military of the whole Union, are the companions of William Hooper in the almost universal calumny of his pen.

The "Defense" is interesting and virile, well written but partial. Yet it is a landmark in the awakening of patriotic interest in the state's history. A similar judgment must be meted to Jones' "Memorial of North Carolina" (1838), notable also for its criticism of John Randolph.

Not polemical, but smacking of the *raconteur,* were the works of Rev. William Henry Foote and Rev. Eli W. Caruthers. Mr. Foote was a Presbyterian clergyman of Romney, Virginia. His "Sketches of North Carolina," published in 1844, interwove with formal history the story of the Scotch-Irish settlers and the Presbyterian Church in North Carolina. His work is invaluable, since much of his information was derived from unwritten sources, such as the recollections of early settlers. Of like value is Caruthers' "Old North State" (first series 1854, second series 1856). In these volumes were recounted stories and legends gathered at the fireside, which give local color to historical movements during the latter period of the eighteenth century.

Much of the interest in state history centered around the controversy over the Mecklenburg Declaration of Independence. There was a tradition in the western counties that at Charlotte on May 20, 1775, a meeting of delegates chosen in Mecklenburg declared independence from Great Britain. It did not gain wide currency until 1819, when the *Raleigh Register* published an account of the reported meeting and its resolutions. This was really a reply to the claim made in Wirt's "Life of Patrick Henry" that Henry "gave the first impulse to the ball of the Revolution"—a statement that had aroused considerable discussion among North Carolin-

ians. The matter was given publicity in the newspapers and in 1825 the people of Charlotte hallowed the reputed event with the first of a long series of annual celebrations. In 1829 discussion was again aroused by the publication of Jefferson's works, in which was found a letter from Jefferson to John Adams expressing the opinion that the resolutions were spurious. Now this was at the very time of the political revolt in North Carolina against Virginia leadership. It is not surprising therefore to find that the legislature appointed a committee "to examine, collate, and arrange" all the evidence concerning the declaration that could be procured. Its report was published in 1831 and naturally was defensive. Shortly after, Peter Force found in the *Massachusetts Spy or American Oracle of Liberty* an account of other resolutions at Charlotte, on May 31, 1775, which he published in the *National Intelligencer* of December 18, 1838. As the two documents were not identical, as the latter was not so radical as the former, and as the resolves of May 20 were not supported by contemporary evidence, while those of May 31 were so substantiated, a long controversy was begun. The problem was the subject of numerous addresses and considerable investigation; the upshot was a firm, popular conviction that the resolves of May 20 were as genuine as those of May 31, and also a feeling of doubt on the part of those who patiently and rationally weighed all the evidence.

Contemporary with the writing of formal histories and sketches came an interest in religious origins. Foote's "Sketches," above mentioned, was largely a product of this impulse. To preserve the traditions and records of the Baptists, Lemuel Burkitt and Jesse Read published in 1806 a "History of the Kehukee Baptist Association;" a continuation, bringing the narrative down to 1834, was later issued by Joseph Biggs (1834). George W. Purefoy performed a similar service for the Sandy Creek Baptists in his "History of the Sandy Creek Association" (1859). Rev. John Paris' "History of the Methodist Protestant Church" (1849) is full of information regarding controversies in North Carolina which were directly related to the division in the Methodist

Church. Robert B. Drane made the first contribution to the history of the Episcopal Church in the state in his "Historical Notices of St. James' Parish, Wilmington" (1843), and Bishop Reichel in 1857 published a "History of the Moravians in North Carolina." Supplementing these were historical and memorial addresses, notably Banks' "Centennial Address Before the Presbytery of Fayetteville" (1858) and Buxton's "The Church in America, Particularly in North Carolina" (n. d.)

History, too, was the dominant interest in the writing of biography and fiction. In 1840 Edward R. Cotten published a "Life of Hon. Nathaniel Macon," which was little more than an eulogy. Of real value was Rev. Eli W. Caruthers' "Life of David Caldwell," his predecessor as pastor of the Presbyterian churches at Alamance and Buffaloe. The work is a contribution to political as well as religious history. The biography *par excellence* was Griffith J. McRee's "Life and Times of James Iredell" (2 vols., 1857, 1858), really a collection of letters invaluable for an understanding of social and political affairs in the later eighteenth century, prized by all investigators of national as well as of state history. Professor F. M. Hubbard of the University contributed to Sparks' Library of American Biography a study of William R. Davie (1848), which meets well the standard of that series. The relation between the state and the Cherokee Indians was the theme for a novel by Senator Robert Strange, entitled "Eoneguski (2 vols., 1839); because of severe criticisms of the treatment of the Indians by prominent white men of western North Carolina, the book was suppressed. Calvin H. Wiley found in the War of the Regulation the subject matter of his story, "Alamance."

Poetry as well as prose had a place in nascent literary activities. In 1854 Mary Bayard Clarke wrote:

"Come rouse you, ye poets of North Carolina.
My State is my theme and I seek not a finer.
I sing in its praise and I bid ye all follow
Till we wake up the echoes of 'Old Sleepy Hollow!'

"Come show to his scorners 'Old Rip' is awaking,
His sleep like a cloud of the morning is breaking;
That the years of his slumber, at last have gone by,
And the rainbow of promise illuminates the sky."

These lines are from the introduction to the writer's anthology of North Carolina poetry, entitled "Wood Notes" (2 vols.). It contained 182 poems by sixty authors. Among the selections were Mrs. Clarke's "Triumph of Spring," un-

Residence of John Louis Taylor, Where Gaston Wrote "Carolina"

der the pseudonym "Tenella," Gaston's "Carolina," and James B. Shepard's less known poem of the same title, J. M. Morehead's "Hills of Dan," Ellenwood's "Marriage of the Sun and Moon," and "Swannanoa," by an unknown author. Mrs. Clarke likewise published two volumes of her own composition, "Mosses From a Rolling Stone" (1866) and "Clytie and Zenobia" (1871), the latter being a story of ancient Palmyra. In 1846 William Henry Rhodes, a native of Bertie County, a young man then in his twenty-fourth year, a graduate of the Harvard Law School and a member of the Texas bar, published "The Indian Gallows and Other Poems," in which the legends of the Tuscaroras were treated in epic

form. Other volumes of poetry of minor importance were William Hill Brown's "Ira and Isabella" (1807), R. T. Daniel's "Selection of Hymns and Spiritual Songs" (1812), of which eighty were original, "Attempts at Rhyming" (1839), by Old Field Teacher, George V. Strong's "Francis Herbert," a romance of the Revolution (1847), and Lemuel Sawyer's "Wreck of Honor and Tragedy." Of antiquarian interest was a volume, "Hope of Liberty" (1829), by George M. Horton, a slave of Chatham County. Connecting the antebellum period with the more recent past was Theo H. Hill, whose "Hesper and Other Poems" appeared in 1861.

The most prevalent form of literature was not the formal volume but the essay or literary address. Its principal sponsor was the college, notably the University, Wake Forest and Davidson, which published in pamphlet form commencement orations by public men. Among the more notable of these were three issued by the University; Gaston's "Address to the Literary Societies" (1832), widely noticed on account of its condemnation of slavery, George Davis' "Early Men and Times of the Cape Fear" (1855) and William Hooper's "'Tis Fifty Years Since" (1859); also Romulus M. Saunders' "Address before the Literary Societies of Wake Forest in defense of the Mecklenburg Resolves of May 20, 1775," and William Hooper's "Sacredness of Human Life," likewise issued by Wake Forest. Other pamphlets of interest published by non-academic authority were Caldwell's "Numbers of Carlton" (1828) and "Letters on Popular Education" (1832), Henry W. Miller's "The Eighteenth Century," and the Memoir of Elisha Mitchell (1858). Religious pamphlets treating of theological or doctrinal subjects were also numerous.

Between 1840 and 1860 efforts were also made to establish literary periodicals. In 1834 the faculty of the University began the publication of a weekly paper, the *Harbinger*. Its purpose was "to diffuse literary information with correct taste, to impress the importance of popular and academic education, and explain the best methods discreetly, but with independent freedom of stricture; to discuss subjects in which it is important to enlighten the public mind; to fur-

nish events and circumstances occurring among ourselves that deserve notice; to exhibit science in popular form that will solicit curiosity and be generally intelligible; to promote the cause of internal improvements; and to give a competent portion of the political and religious intelligence of the time, with studious exclusion of all party character." The paper was short-lived, as was also the *Columbian Repository,* published at Chapel Hill by Hugh McQueen in 1836.

In 1844 the *University Magazine,* published by the Literary Societies of the institution, made its appearance; it suspended after nine issues but was revived in 1852 and continued without interruption until May, 1861. Its files are especially valuable for their contribution to the history of the state, notably for Johnson's "Biographical Sketch of Johnston Blakeley," Hooper and McCree's "Memoir of John Ashe" (vol. III), General Joseph Graham's "Narrative of Revolutionary History" (vol. V), Hubbard's "Life and Times of Caswell" (vol. VII), the "Autobiography of Joseph Caldwell (vol. IX), Swain's "War of the Regulation" (vols. IX and X), and his "Life and Letters of Cornelius Harnett" (vol. X). Less successful magazine adventures were made by Braxton Craven and Andrew J. Stedman. The former established in 1850 the *Evergreen,* a literary journal, in which the editor published his "Naomi Wise," a story based on legends of Randolph County. The periodical was short lived, only a few copies being known to exist. Stedman's *Salem Magazine* made its appearance in January, 1858. Designed to be a periodical of "pure literature," an "Emporium of Southern Literature," only one issue is known to exist.

A sense of unity and also of duty based on citizenship in the state was manifest in the organizations devoted to professional and moral causes. On December 17, 1799, the "North Carolina Medical Society" was organized at Raleigh, and six days later was incorporated by the legislature. Little is known of its activities. The first president was Dr. Richard Fenner of Raleigh. Prizes were offered for essays on selected subjects and for the production of medicines from plants. Applicants for membership were subjected to an examination by a Board of Censors. A botanical garden for

the cultivation of medicinal plants, a museum, and a library were among the projects of the society. In 1800 the state was divided into medical districts and district meetings of physicians were urged; two years later such a policy was advised for every state in the Union by the American Medical Association. No information about the Society exists after 1804. Over a generation later, in January, 1849, six physicians, three of whom were members of the legislature, called a State Medical Convention which met in Raleigh on April 16. A new organization was formed, the "Medical Society of the State of North Carolina." Aggressive policy was at once taken toward the elevation of professional standards by the adoption of the Code of Ethics of the American Medical Association. In 1850 the legislature was memorialized to require the registration of marriages, births and deaths; the response was a law providing for the registration of marriages only. Regarding the question of establishing a medical college in the state, a committee in 1852 made an unfavorable report. Notable was the statement that it should be "certainly no part of our policy to add to the number of those colleges which are dependent upon patronage, and who annually turn loose upon the public swarms of graduates, many of whom are entirely ignorant of the first principles of medicine, totally unfit for its practice, and possess no other qualification than such as is found in the fact that they have attended two courses of lectures and possess the necessary amount of money wherewith to purchase a diploma." Therefore the committee was "forced to believe that a few good, well endowed, well supported medical colleges, independent of favor, will effect far more real and substantial good for the science of medicine than an illimitable number of such as your society now have the means of establishing." In 1856 the publication of a medical journal was authorized, and in August, 1858, appeared the first number of the *North Carolina Medical Journal,* of which Dr. Edward Warren was editor. The greatest achievement of the early days of the Society was its incorporation in 1859, with the power to select a Board of Medical Examiners consisting of seven "regularly graduated physicians," by which all physicians practic-

ing in the state after April 15, 1859, should be licensed. This was the first board of medical examiners provided by law in any state of the Union. These measures of progress were not attained without opposition on the part of certain elements in the medical profession and the laity. Yet the society prospered; its membership, which was 25 in 1849, had by 1860 increased to over 200.

Thirteen editors held a convention in Raleigh in November, 1837, but no permanent society resulted. Persistent and finally successful were the efforts to organize for the cause of education. In 1822 the Education Society of North Carolina was founded at Hillsboro. Its purpose was religious, "to aid indigent and pious young men to acquire an education for the gospel ministry." Dr. Joseph Caldwell of the University was elected president and Dr. James Webb of Hillsboro was treasurer. Nothing is known of the work of the society. In the interest of secular education was the North Carolina Institute of Education, organized at Chapel Hill the day before the commencement of 1831. Its inception was due partly to the example of Tennessee and other states in which educational conventions had been held and organizations launched; partly also to the desire of bringing pressure to bear on the legislature to make appropriations for public schools. A constitution was adopted, stating that the objects of the Institute were to "diffuse knowledge on the subject of education, and by every proper means to improve the condition of common schools and other literary institutions in the state." The annual dues were one dollar, the place and time of meeting were Chapel Hill on the day preceding commencement. S. J. Baker was elected president, and Dr. Walter Norwood, recording secretary. Meetings were held, featured by addresses on educational subjects, in 1832, probably in 1833, and in 1834; there are no records of later existence of the society. In Guilford County, some time during 1849, another futile attempt was made toward an educational organization. Finally on July 1, 1857, a stable society was formed, the Educational Association of North Carolina, the outgrowth of a teachers' convention held at Goldsboro in May, 1856. Annual meetings were held, local auxiliaries were or-

ganized, reforms were discussed. The great service of the Educational Society was to bring "into council representatives from all classes of our schools, from the university down, and including officers and teachers of the common schools; and its direct and obvious tendency is to create and foster a more catholic spirit among educators, to unite the efforts of the friends of popular intelligence, to repress hostility between schools of different grades and sections, to elevate the standard of teaching, to enliven and widen the popular interest in education." In 1860 the Association was incorporated by the legislature and was granted $600 per annum for four years. In 1858 the *North Carolina Journal of Education* was established as an organ of the Association.

In the meantime moral and philanthropic organizations were being formed. Sunday schools were in operation probably during the latter part of the eighteenth century. Their work was not confined to religion; they also offered instruction in elementary English. In 1825 the Sunday School Society of Orange County, which had under its care twenty-two schools and between 800 and 1,000 students, memorialized the legislature for an appropriation of twenty-five cents per annum for each student, to be used in the purchase of text books. The memorial was rejected as inexpedient. Likewise at the succeeding session a bill providing for appropriations to Sunday Schools which offered instruction in reading and writing was rejected. In 1813 the North Carolina Bible Society was organized at Raleigh for the gratuitious distribution of the scriptures to the heathen and to the poor in America. In 1835 it sought a charter from the legislature, but the bill of incorporation was tabled on the first reading. Temperance societies, with a state organization, were also active after 1820.

More idealistic but less active was the interest in world peace. The sentiment for the end of warfare, so prevalent just after the Napoleonic period in Europe, was reflected in the Raleigh Peace Society, organized on April 21, 1819. Its purpose was well expressed in the preamble to the constitution:

"We, the subscribers, impressed with the belief that the Gospel is designed to produce peace on earth; and that it is the duty of all good men to cultivate, and, as far as they have power, to diffuse a spirit of kindness, do agree to form ourselves into a society for the purpose of disseminating the general principles of peace, and to use all proper means, within the sphere of our influence, to promote universal harmony and good will among men."

The first Monday after Independence Day was fixed for the time of the annual meeting, always featured by an annual sermon. The annual dues were one dollar. Pacifism was repudiated in the following announcement:

It may be proper to notice an error which some few uninformed persons have fallen into respecting this society. They have supposed its principles were those of passive obedience, submission and non-resistance. Far from it. No man, by becoming a member of this society, surrenders his independence of thinking and acting, and many of them distinctly avow their determination to take up arms to defend their country whenever the occasion requires. But they all unite in the endeavor to do away with the necessity of wars, and hope to do so by means first suggested and attempted by the great and good Henry the Fourth, of France, in an age not sufficiently enlightened and humanized for plans for such extended beneficence.

Little is known of the activities of the Peace Society. Pamphlets were purchased and distributed. A memorial was forwarded to the President and Congress of the United States asking that treaties be made abolishing privateering in time of war. The membership was small; the roll of 1821 had only thirty-eight names, but among these were men of various religious denominations and various professions: Methodists, Baptists, Presbyterians, Episcopalians; merchants, planters, physicians and bankers. The first president of the society was William Peck, a business man, its vice president, Dr. Richard Fenner, and its corresponding secretary, Dr. Jeremiah Battle. No record of the organization exists after 1822.

BIBLIOGRAPHY

BIBLIOGRAPHICAL AIDS

Supplementing the general guide books for American history are the following: Weeks, *Bibliography of North Carolina Historical Literature* (Harvard University Library, 1895); *Minutes of the State Literary and Historical Association of North Carolina, 1899,* each number of which contains a list of books published during the preceding twelve months pertaining to North Carolina or by North Carolinians; the *Minutes* for 1902, 1903, 1904 and 1905 are reprinted in *Publications of the North Carolina Historical Commission,* Vol. I; since 1911 the *Minutes* have been published in the *Bulletins of the Historical Commission* (Raleigh, North Carolina). Laney and Wood, *Bibliography of North Carolina Geology, Mineralogy, and Geography* (North Carolina Geological Survey, 1909) is invaluable for a study of natural resources.

SOURCES

I. Laws and Official Records, printed. These are of prime importance for all the matters discussed in the present volume. A guide may be found in Bowker, *Index of State Publications.* The laws prior to 1790, also the legislative journals and miscellaneous documents, are reprinted in Clark, *State Records of North Carolina* (Vols. XVI-XXV). In Farrand, *Records of the Federal Convention,* may be traced the role of the North Carolina delegates in the Convention, while the debates in the Hillsboro Convention are accessible in Elliott, *Debates on the Federal Constitution* (1831). The *Journal* (Raleigh, 1836) and the *Debates in the Convention of 1835* (Ibid.) are of more than technical interest.

II. Newspapers. Of indispensable use are the files of

newspapers, especially the *Raleigh Register,* the *Star and North Carolina Gazette,* and the *North Carolina Standard,* of which fairly complete files are preserved in the state library. Broken files of these and other papers are in the libraries of Trinity College and the University of North Carolina; among the latter are volumes of the *Fayetteville Observer,* the *Greensboro Patriot,* the *Tarboro Southerner,* the *Western Carolinian* and other papers. Complete files of the religious press are not accessible.

III. Manuscripts. In the possession of the North Carolina Historical Commission are many manuscripts, notably the letter books and other correspondence of the governors, the private letters of Willie P. Mangum, John Steele, E. J. Hale, David S. Reid and others. None of these have been thoroughly exploited and none are calendared. In the Library of Congress much material may be found in the Papers of William Polk and of Martin Van Buren.

IV. Works of Public Men. Of prime importance are McRee's *Life and Correspondence of James Iredell* (2 vols., 1857), Hoyt's *Papers of Archibald DeBow Murphey* (North Carolina Historical Commission, 2 vols., 1914), Hamilton's *Correspondence of Jonathan Worth* (Ibid., 1909) and *Papers of Thomas Ruffin* (Vol. I, Ibid., 1918). Dodd's *Correspondence of Nathaniel Macon* (Branch Historical Papers, Randolph Macon College, Vol. III) throws some light on political conditions, as do also Battle's *Letters of Nathaniel Macon, John Steele, and William Barry Grove* (James Sprunt Historical Monographs, University of North Carolina, No. 3) and *Letters of William R. Davie* (Ibid., 7), *Hamilton's Correspondence of John Rust Eaton* (James Sprunt Historical Publications, Vol. IX, No. 1), Wagstaff's *Letters of William Barry Grove* (Ibid., IX, 2), Anderson's *Letters of Bartlett Yancey* (Ibid., X, 2), Wagstaff's *Harrington Letters* (Ibid., XIII, 2) and *Harris Letters* (Ibid., 14, 1), and the *Correspondence of Bedford Brown* (Papers of the Trinity College Historical Society, series VI-VII). Among personal narratives should be mentioned the *Memoirs of W. W. Holden* (Trinity College Historical Society, 1911) and *Autobiography of Brantley York* (Ibid., 1910),

Autobiography of Joseph Caldwell (1859), and *Autobiography of Joseph Travis* (1856).

V. Travel and Description. Works of this nature are few. Lanman's *Letters from the Alleghany Mountains* (1849), Olmsted's *Journey in the Seaboard Slave States* (1856), Elkanah Watson's *Men and Times of the Revolution* (1856), Anne Royal's *Southern Tour* (1830) are the most prominent. Elisha Mitchell left a *Diary of a Geological Tour in 1827 and 1828* (James Sprunt Historical Monograph, No. 6).

AUTHORITIES

I. Histories, General and Local. No history of North Carolina gives an adequate treatment of the period included in this volume. Wheeler's *Historical Sketches* (1851) is exceedingly slight and Moore's *History of North Carolina* (1880) is based mainly on traditions and reminiscences. Valuable for political history are Wagstaff's *State Rights and Political Parties* (Johns Hopkins Studies, 1906) and *Federalism in North Carolina* (James Sprunt Historical Publications, IX, 2) and Hamilton's *Party Politics, 1835-1860* (Ibid., Vol. XIII). Most of the local histories are confined to the Colonial and Revolutionary period, but including material on the years treated in this volume are Arthur's *History of Western North Carolina* (1914) and *History of Watauga County* (1915), the *Publications of the Guilford County Literary and Historical Association* (1908) and Albright's *Facts, Figures, Traditions and Reminiscences* (1904); Allen's *Centennial of Haywood County* (n. d.), Winborne's *Colonial and State Political History of Hertford County* (1906), Alexander's *History of Mecklenburg County* (n. d.) and Thompson's *History of Mecklenburg* (2 vols., 1903); Swain's *Early Times in Raleigh* (1867), Battle's *Early History of Raleigh* (1893), Amis' *Historical Raleigh* (1902), and Sprunt's *Chronicles of the Cape Fear River* (1916). The histories of Tennessee, all of which treat of the State of Franklin, should be supplemented by Sioussat's *North Carolina Cession of 1784* (Proceedings Miss. Valley Hist. Society, 1909) and Ashe, *State of Franklin* (N. C. Booklet, Vol. XIV).

II. Biographies. A. Collected. Ashe (Ed.) *Biographical History of North Carolina* (Vols. I-VII, Greensboro, 1905-1907); Peele, *Lives of Distinguished North Carolinians* (1898); Connor, *Makers of North Carolina History* (1911);

Haywood, *Lives of the Bishops of North Carolina* (1910); Wheeler, *Reminiscences and Memoirs of North Carolina and Eminent North Carolinians* (1884).

B. Individual. Dowd, *Braxton Craven* (1896); Dodd, *Nathaniel Macon* (1903); Clark (et al.), *Otway Burns* (1905); Hubbard, *William R. Davie* (1848); Caruthers, *David Caldwell* (1842); MacClenny, *James O'Kelly* (1910); Moore, *Pioneers of Methodism in Virginia and North Carolina* (1884).

MISCELLANIES

I. Legal and Political. Battle, *History of the Supreme Court of North Carolina* (1889); Hamilton, *Party Politics in North Carolina;* Wagstaff, *State Rights and Political Parties in North Carolina* (1906).

II. Educational. Knight, *Public School Education in North Carolina* (1916); Smith, *History of Education in North Carolina* (1888); Raper, *Church and Private Schools of North Carolina* (1898); Weeks, *Beginning of the Common School System in the South* (1897); Battle, *History of the University of North Carolina,* Vol. I (1907).

III. Religious. Grissom, *History of Methodism in North Carolina,* Vol. I (1905); Foote, *Sketches of North Carolina* (1846, 1912); Biggs, *History of the Kehukee Association* (1830); Purefoy, *History of the Sandy Creek Association* (1859); Delke, *History of the Chowan Association* (1882); Williams, *History of the Baptists in North Carolina* (1901); Vass, *History of the Presbyterian Church in Newbern* (1886); DeRossett (Ed.), *Essays in the Church History of North Carolina* (1892).

IV. Economic. Weaver, *Internal Improvements in North Carolina* (Johns Hopkins Studies, 1903); Barringer, *History of the North Carolina Railroad* (University of North Carolina, 1894); Morgan, *State Aid to Transportation in North Carolina* (N. C. Booklet, Vol. X); Boyd, *Currency and Banking in North Carolina* (Papers of the Trinity College Historical Society X), *Finances of the Literary Fund* (South Atlantic Quarterly Vol. XIII), *The North Carolina Fund for Internal*

Improvement (Ibid., XV); Thompson, *From Cotton Field to Cotton Mill* (1906).

V. Boundaries and Indians. Royce, *The Cherokee Nation of Indians* (Bureau of American Ethnology, 1884), and Mooney, *Myths of the Cherokee* (Ibid., 1897); Goodloe, *The North Carolina and Georgia Boundary* (N. C. Booklet, Vol. III); Kerr, *Geology of North Carolina* (1875).

VI. Slavery. Bassett, *History of Slavery in the State of North Carolina* (Johns Hopkins Studies, 1899), and *Anti-Slavery Leaders of North Carolina* (Ibid., 1898); Weeks, *Southern Quakers and Slavery* (1895).

VII. Periodicals—Historical and Literary. *Historical Papers of the Trinity College Historical Society* (1897—), and *John Lawson Monographs* (1910—); *James Sprunt Monographs* and *James Sprunt Historical Publications* (University of North Carolina, 1900—), the *North Carolina Booklet* (Raleigh, 1901—). *Historical Publication of the North Carolina State Normal and Industrial College* (1914—); the *Baptist Historical Papers* (1897-1907); *Papers of the North Carolina Conference Historical Society* (1897, 1901); the *South Atlantic Quarterly* (1902—); the *North Carolina Review* (1909-1913).

VIII. Political Reference. Connor, *Manual of North Carolina* (1913) contains lists of public officials and election returns.

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